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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - -  
CAROL S. MARCELLIN, individually, and  
as Co-Administrator of the Estate of  
Charles E. Hollowell, deceased, and  
JESSICA HOLLOWELL-McKAY, as  
Co-Administrator of the Estate of  
Charles E. Hollowell, deceased,

Plaintiffs,

-against- Civil Action No.  
1:21-cv-00704-JLS  
HP, INC., and STAPLES, INC.,  
Defendants.

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- - - - -  
- - - - -  
- - - - -x

REMOTE VIDEOCONFERENCE  
New York, New York  
March 20, 2025  
10:00 a.m.

EXAMINATION BEFORE TRIAL of ANDREW  
LITZINGER, the Expert Witness herein,  
held remotely via Zoom at the  
above-mentioned time, pursuant to  
Court Order, before Ilysa A. Linzer, a  
Court Reporter and Notary Public in  
and for the State of New York.

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2 A P P E A R A N C E S:

3

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## 2 FEDERAL STIPULATIONS

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4 IT IS HEREBY STIPULATED AND AGREED  
5 by and between the attorneys for the  
6 respective parties herein, that filing  
7 and sealing be and the same are hereby  
8 waived.

9

10 IT IS FURTHER STIPULATED AND  
11 AGREED that all objections, except as  
12 to form of the question, shall be  
13 reserved to the time of the trial.

14

15 IT IS FURTHER STIPULATED AND  
16 AGREED that the within deposition may  
17 be sworn to and signed before any  
18 officer authorized to administer an  
19 oath, with the same force and effect  
20 as if signed and sworn to before this  
21 Court.

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24 -000-

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1  
2 ANDREW LITZINGER,  
3 the Expert Witness herein, after  
4 having presented a  
5 government-issued identification  
6 for verification, has been duly  
7 sworn by the Notary Public, was  
8 examined and testified as follows:

9 THE COURT REPORTER:

10 Can you please state your  
11 name for the record?

12 THE WITNESS: Andrew  
13 Litzinger.

14 THE COURT REPORTER:

15 Can you please state your  
16 home address?

17 THE WITNESS: 747  
18 Saffron Lane, Webster, New  
19 York 14580.

20 THE COURT REPORTER:

21 Before we get started,  
22 does everyone agree to the  
23 usual Federal Stips?

24 MR. LEVITES: Yes.

25 MR. SCHWARZ: Yes.

Page 5

1 A. LITZINGER

2 EXAMINATION BY

3 MR. LEVITES:

4 Q. It is nice to meet you,  
5 Mr. Litzinger. My name is Benjamin  
6 Levites. I represent the Defendants  
7 in this case, HP and Staples.

8 So we have with us the court  
9 reporter, Ms. Linzer. We have your  
10 attorney, Mr. Schwarz, and I will be  
11 asking you questions about a lawsuit  
12 filed by Carol Marcellin and Jessica  
13 Hollowell-McKay concerning a fire on  
14 January 24, 2020, at the residence of  
15 Carol Marcellin and Charles Hollowell.  
16 Attorney Schwarz may do so as well.

17 My first question is, do you  
18 understand we are here today  
19 concerning Ms. Marcellin's lawsuit  
20 with respect to the fire at her  
21 residence on January 24, 2020?

22 A. Yes.

23 Q. Have you been deposed  
24 previously, Mr. Litzinger?

25 A. Yes, I have.

1                   A. LITZINGER

2                 Q.     When were you previously  
3 deposed?

4                 A.     It has been -- it should be  
5 in my CV, but I have been deposed I  
6 think five or six times now.

7                 Q.     Okay.

8                 A.     Most recent was October.

9                 Q.     Okay. So you have some  
10 familiarity with the process. I am  
11 going to get through these preliminary  
12 rules as quickly as possible because  
13 you have familiarity.

14                   The goal of today is to  
15 produce a written transcript of our  
16 conversation that reads question and  
17 answer, question and answer and so on.  
18 Is that okay?

19                 A.     Yes.

20                 Q.     So in a normal conversation  
21 I appreciate when you anticipate the  
22 rest of my question, but so that we  
23 can get that same transcript you will  
24 have to allow me to finish my  
25 question. So if I hold my hand up I

1                   A. LITZINGER  
2 am not trying to be rude, I am just  
3 trying to indicate that I am still  
4 asking a question. Is that all right?

5                   A. Yes.

6                   Q. Okay. Equally if you are  
7 giving an answer I will make every  
8 effort not to start another question  
9 before you are finishing. If I do so,  
10 please let me know that you haven't  
11 finished an answer. Is that okay?

12                  A. Yes.

13                  Q. This part is extra important  
14 because we are on Zoom. Do you agree  
15 not to use your cell phone or other  
16 electronic devices during the  
17 deposition when we are not on a break?

18                  A. Yes.

19                  Q. You can take a break at any  
20 time for any reason that you would  
21 like. My only request is that you --  
22 if there is a question pending that  
23 you answer it before we take the  
24 break. Is that all right?

25                  A. Yes.

1                   A. LITZINGER

2                 Q.     I will try to put them in  
3     every hour, hour and a half, something  
4     like that.

5                   Do you have any notes or  
6     documents with you today?

7                 A.     I just have a copy of my  
8     final report.

9                 Q.     Okay. Do you agree not to  
10   refer to any notes or documents other  
11   than those we review together in the  
12   deposition?

13                A.     Yes.

14                Q.     Okay. Is there anyone else  
15   present in the room with you today?

16                A.     No.

17                Q.     Sir, you are doing an  
18   amazing job so far, but if you can  
19   keep giving verbal answers, so saying  
20   yes or no instead of shaking your  
21   head. Similarly the transcript won't  
22   capture tones, so try to avoid answers  
23   like "uh-huh" and "uh-uh" if that's  
24   all right. Okay?

25                A.     Yes.

1                   A. LITZINGER

2                 Q.     What did you do to prepare  
3     for this deposition without telling me  
4     the substance of any conversations  
5     that you might have had with Attorney  
6     Schwarz or anyone in his firm?

7                 A.     Outside of preparation with  
8     my attorney, I reviewed all notes,  
9     photos, and documentation as it  
10   pertains to this loss.

11                Q.     Okay. The notes were notes  
12   that you took, or notes from others,  
13   or both?

14                A.     It would be Jason  
15   Karasinski, the O and C for this file.  
16   I reviewed his report, his photographs  
17   and notes as well as my own  
18   documentation, and as well Mr. -- I  
19   apologize, I forget -- I am very bad  
20   with names.

21                Q.     Dr. Martin?

22                A.     Thank you.

23                Q.     So you looked at  
24   Mr. Karasinski's photos and notes,  
25   Dr. Martin's report. Did you have any

1                   A. LITZINGER

2 photos or notes that you took?

3                   A. Yes.

4                   Q. Okay. And you reviewed  
5 those as well?

6                   A. I did.

7                   Q. Have you spoken about this  
8 case with anyone other than Attorney  
9 Schwarz and Mr. Karasinski?

10                  A. No, I have not.

11                  Q. What did Mr. Karasinski tell  
12 you in preparation of your report?  
13 You can talk generally if you had a  
14 lot of conversations or anything like  
15 that.

16                  A. Just the details and the  
17 facts of the case. I was at the joint  
18 scene exam with Mr. Karasinski, so we  
19 both have a lot of the same  
20 information.

21                  Q. Did you review any other  
22 documents in preparation for the  
23 deposition today other than the ones  
24 we just mentioned?

25                  A. Nothing outside of what was

1                   A. LITZINGER  
2       in my -- stipulated in my report.  
3       There was a scan of the computer that  
4       was done very early on, the subject  
5       computer. I did briefly look at that.  
6       That would be the most substantial  
7       other than our typical 921 and  
8       anything related to that.

9                   Q. Without getting into too  
10      exhaustive of a list, what is related  
11      to a typical 921?

12                  A. So for 921 it would be  
13      looking at things such as arc survey,  
14      arc mapping. Primarily the arc  
15      survey, arc mapping section of Chapter  
16      6 and Chapter 9, which is the  
17      electrical section.

18                  Q. Did you perform an arc  
19      survey in this case?

20                  A. Yes, I did.

21                  Q. Did you do arc mapping in  
22      this case?

23                  A. So an arc survey is used to  
24      create an arc map, so yes, I did.

25                  Q. So you created an arc map in

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1 A. LITZINGER

2 this case?

3 A. If there was any electrical  
4 activity or arcing identified at the  
5 scene, yes.

6 Q. Was there any arcing  
7 activity at the scene?

8 A. Not identified at the scene,  
9 no.

10 Q. So you didn't create an arc  
11 map because there was no arcing; is  
12 that fair to say?

13 A. Yes. So we would have  
14 created -- we created a diagram of the  
15 scene, but there is no information as  
16 it pertains to any arcing that was  
17 found at the scene because none was  
18 found.

19 Q. Did you take any medication  
20 today, sir?

21 A. I did not.

22 Q. Are you able to sit through  
23 this deposition and answer questions  
24 comfortably?

25 A. Yes.

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1 A. LITZINGER

2 Q. Okay. Can you review  
3 documents if I displayed them on your  
4 screen here?

5 A. Yes, I can.

6 Q. If you need me to magnify  
7 them or move them around, please let  
8 me know and I will do that for you.  
9 Okay?

10 A. Yes.

11 Q. Are you familiar with HP as  
12 a company?

13 A. Yes, I am.

14 Q. What is HP?

15 A. They primarily produce  
16 computers.

17 Q. Okay. You understand that  
18 the allegations in this case are that  
19 HP produced a defective product that  
20 caused the fire in this case?

21 A. Yes.

22 Q. Okay. So you understand  
23 that that's the ground of the claim  
24 here?

25 A. That's my understanding,

1 A. LITZINGER

2 yes.

3 Q. And it is a serious claim;

4 right?

5 A. Yes.

6 Q. Okay. And you applied the  
7 scientific method to your analysis of  
8 the serious claim?

9 A. Yes, I did.

10 Q. And you agree that part of  
11 the scientific method is to be able to  
12 test the adequacy and accuracy of your  
13 hypotheses?

14 A. Yes.

15 Q. What do you know about the  
16 history of this HP computer,  
17 Ms. Marcellin's notebook?

18 A. It was -- I am going off  
19 memory, so it was an older computer of  
20 hers. She had purchased a newer  
21 computer, which we did collect that as  
22 evidence. She was running, I believe,  
23 it was some updates that the last time  
24 she used it she was running some  
25 updates.

1                   A. LITZINGER

2                 Q.     Is product history something  
3     you would consider in the assessment  
4     of a particular product that is  
5     alleged to have caused the fire?

6                 A.     I am sorry, can you repeat  
7     that, please?

8                 Q.     Yes. So my question is, is  
9     product history something that you  
10    should consider in assessing a product  
11    that's alleged to have caused the  
12    fire?

13                 MR. SCHWARZ: Objection  
14                   to the form. He wasn't  
15                  hired to assess the  
16                  product, but you can  
17                  answer the question if you  
18                  can.

19                 A.     Yes, but that would be  
20    outside of the scope of my  
21    investigation.

22                 Q.     Okay. So you didn't look at  
23    the history of this product?

24                 A.     We collected information  
25    from Ms. Marcellin about the product,

1                   A. LITZINGER  
2 about the history of the product, but  
3 that was not part of my scope of the  
4 investigation.

5                   Q. Okay. So some information  
6 was collected from Ms. Marcellin about  
7 the history of the product. Was there  
8 any information about the model in  
9 particular that you collected or that  
10 your team collected?

11                  A. I am not sure I understand  
12 your question. I am sorry.

13                  Q. That's okay. So you said  
14 that you collected information with  
15 Ms. Marcellin about her personal  
16 history with the product with that  
17 particular notebook. My question is,  
18 do you know anything about the history  
19 of this model generally?

20                  A. Do you mean this particular  
21 model in terms of HP, or this model as  
22 in terms of Ms. Marcellin?

23                  Q. In terms of HP. Thank you.

24                  A. I did not look -- I don't  
25 have that information.

1                   A. LITZINGER

2                 Q.     Would you agree with me that  
3     the use and operation of an appliance  
4     should be well understood before it is  
5     identified as the cause of a fire?

6                 A.     I think every effort should  
7     be made to do that, but the -- yeah.

8                 Q.     Would you agree that the  
9     degree of damage to an appliance is  
10   not an adequate indication of a fire's  
11   origin?

12          A.     Yes.

13          Q.     That's because an appliance  
14   can be damaged in a fire as opposed to  
15   causing a fire; right?

16          A.     That's correct.

17          Q.     And this is more so in a  
18   circumstance where an appliance might  
19   have a fuel in it like a battery pack  
20   and a notebook computer; right?

21          A.     That would be taken into  
22   consideration.

23          Q.     Do you know if there are any  
24   other lawsuits alleging that this  
25   model of notebook caused the fire?

1                   A. LITZINGER

2                 A. I am not aware of that, no.

3                 Q. Ms. Marcellin was deposed on

4 July 23rd and July 24th; right?

5                 A. I don't know what the -- I  
6 don't know the dates off the top of my  
7 head.

8                 Q. Have you seen both  
9 transcripts for her deposition?

10                A. I have seen the first  
11 transcript. I did not look at the  
12 second one.

13                Q. So the first transcript was  
14 of the July 23rd deposition; does that  
15 sound right?

16                A. Again, on the dates, I don't  
17 have the dates committed to memory, so  
18 I will have to defer to you on that  
19 one.

20                Q. The reason I am asking about  
21 the dates is because I am curious if  
22 you were retained before she was  
23 deposed or after, if you know?

24                A. Before.

25                Q. So prior to 23?

1 A. LITZINGER

2 A. That's correct.

3 Q. Because you were at the  
4 scene exam?

5 A. That's correct.

6 Q. Okay. Do you remember when  
7 you were engaged in this matter?

8 A. I will have to look at the  
9 date. I don't know when FRT as a  
10 company was retained. I know that --  
11 but I was present for the joint scene  
12 examination on 2/27/2020.

13 Q. You were certainly retained  
14 by 2/27/2020; is that fair to say?

15 A. Yes.

16 Q. All right. Did you -- when  
17 you reviewed Ms. Marcellin's first  
18 transcript there, did you have any  
19 questions that came to mind that  
20 weren't answered in her deposition  
21 that you wanted to ask her?

22 A. No.

23 Q. Did you, yourself, ever  
24 interview Ms. Marcellin?

25 A. I did not.

Page 20

1 A. LITZINGER

2 Q. Did Mr. Karasinski interview  
3 Ms. Marcellin?

4 A. I believe he did.

5 Q. Do you know if it was  
6 recorded?

7 A. I do not know the answer to  
8 that question.

9 Q. Okay. As you sit here  
10 today, are there any questions you  
11 would have liked to ask Ms. Marcellin  
12 if you were given the chance?

13 A. No.

14 Q. Did you ever ask to speak  
15 with her?

16 A. I did not.

17 Q. Was there any reason you  
18 didn't ask to speak with her?

19 A. Jason Karasinski, he did the  
20 interviews. He asked what I felt was  
21 all relevant questions at the time, so  
22 I had no reason to ask her questions.

23 Q. So you said you reviewed her  
24 deposition transcript. Did you review  
25 her witness statement from the fire?

Page 21

1 A. LITZINGER

2 A. I did. If you have  
3 something specific I would have to  
4 look at that.

5 Q. Understood. Did you review  
6 her affidavit?

7 A. I believe that was taken  
8 semi recently.

9 Q. Correct.

10 A. I did review it. Again, if  
11 you have a specific question I would  
12 have to see it again.

13 Q. And that was created after  
14 your report was written; correct?

15 A. Yes.

16 Q. Do you know what the  
17 circumstances of its creation were?

18 A. I believe it was in regard  
19 to additional information that was  
20 brought up by your experts.

21 Q. Who do you understand  
22 interviewed her to create that  
23 affidavit?

24 A. I believe my attorney did  
25 that.

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1                   A. LITZINGER

2                 Q.     Okay. Other than the  
3     witness statement, the depositions,  
4     and affidavit, are you aware of any  
5     other statements from her,  
6     Ms. Marcellin, that were memorialized  
7     in writing?

8                 A.     Not that I am aware of.

9                 Q.     Did anyone from FRT take a  
10   written statement of Ms. Marcellin?

11                A.     Outside of initial witness  
12   statements, not that I am aware of.

13                Q.     Do you know if there is any  
14   reason why FRT didn't take a witness  
15   statement?

16                A.     I believe Jason Karasinski  
17   did speak with Ms. Marcellin around  
18   the time of the joint scene  
19   examination, but after that I don't  
20   know if he had any further follow-up  
21   with her.

22                Q.     Do you know if Ms. Marcellin  
23   had any issues with respect to her  
24   memory?

25                A.     Not that I am aware of.

Page 23

1 A. LITZINGER

2 Q. How would you know one way  
3 or the other if you didn't speak with  
4 her?

5 MR. SCHWARZ: Objection  
6 to the form of the  
7 question. You can answer.

8 A. That would have come from my  
9 O and C, Jason Karasinski.

10 Q. Are you aware that she  
11 needed to change her answers in this  
12 case previously?

13 MR. SCHWARZ: Objection  
14 to the form of the  
15 question. Irrelevant.

16 Q. You can answer,  
17 Mr. Litzinger.

18 A. Can you ask the question  
19 again? I am sorry.

20 Q. Yeah. Are you aware whether  
21 she needed to change her answers in  
22 this case previously?

23 MR. SCHWARZ: Same  
24 objection.

25 A. I believe that may have

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1 A. LITZINGER

2 occurred. I don't recall off the top  
3 of my head.

4 Q. Do you find her statements,  
5 meaning, her witness statement that  
6 you looked at, the deposition that you  
7 reviewed, and her affidavit to be  
8 consistent with each other?

9 A. I believe there are  
10 consistencies, yes.

11 Q. Well, I understand there are  
12 some consistencies, but would you  
13 describe them as consistent with one  
14 another, or inconsistent with one  
15 another, or would you use some other  
16 term?

17 A. Well, I guess I would need  
18 more specifics in order to say one way  
19 or the other on that. I don't want to  
20 throw blanket yes to that question.

21 Q. So you don't know if they  
22 are consistent or inconsistent without  
23 looking at them more specifically?

24 A. I would need more specifics  
25 to be able to answer that question.

1                   A. LITZINGER

2                 Q.     Okay. So when you were  
3 formulating your report, and you were  
4 looking at these three different  
5 statements, did you rely on one  
6 particularly?

7                 MR. SCHWARZ: Objection  
8                   to the form of the  
9 question. You asked him  
10 three different statements  
11 and his report. Are you  
12 referring in some sense to  
13 her affidavit which was  
14 done after his report, or  
15 are you referring to some  
16 other statement when you  
17 are talking about three  
18 statements?

19                 MR. LEVITES: The three  
20 statements are her witness  
21 statement, the deposition  
22 that -- the three  
23 statements he reviewed;  
24 the witness statement, the  
25 deposition that he

1                   A. LITZINGER

2                   reviewed, and the

3                   Affidavit.

4                   MR. SCHWARZ: Right,

5                   but the Affidavit came

6                   after his report. Your

7                   question was premised on

8                   what he looked at when he

9                   wrote his report. That's

10                  why I brought it up. He

11                  didn't have her affidavit

12                  at the time he wrote his

13                  report.

14                  Q. Okay. Why don't we focus on

15                  the things you had at the time of your

16                  report that you reviewed, which was

17                  the fire department statement, and the

18                  deposition; is that right?

19                  A. The fire department -- any

20                  statements made around the initial

21                  scene examination and the first

22                  deposition?

23                  Q. That's right.

24                  A. So can you just -- and you

25                  are asking me what? I am sorry.

1                   A. LITZINGER

2                 Q. With respect to those two  
3 documents, did you notice any  
4 inconsistencies between them?

5                 A. I don't recall off the top  
6 of my head, no.

7                 Q. Okay. Did you find her  
8 statements in those two documents to  
9 be consistent with the physical  
10 evidence that you discovered during  
11 your examination?

12                A. I don't recall that off the  
13 top of my head.

14                Q. Okay. Did you find her  
15 statements, meaning, the two we are  
16 talking about; the deposition  
17 statement and the statement she gave  
18 at the time of the fire, did you find  
19 them to be credible?

20               A. At the time, yes, but my  
21 investigation is focused on the  
22 evidence, what the evidence tells me  
23 also.

24               Q. Okay. Do you find them to  
25 be credible today?

1                   A. LITZINGER

2                 A. Yes.

3                 Q. Do you have any notes that  
4     Mr. Karasinski gave you from his  
5     interviews?

6                 A. We have those in our  
7     repository, but I don't have those in  
8     front of me today, no.

9                 Q. Have you reviewed them  
10    previously?

11          A. I have.

12          Q. Okay. When you reviewed  
13    those notes, did you find that her  
14    statements were consistent with the  
15    other things that we just talked  
16    about, meaning, her statements at the  
17    time of the fire and in the deposition  
18    that you reviewed?

19          A. I apologize, I am thinking.

20          Q. Please, take your time.

21          A. I believe there were some  
22    inconsistencies as far as where things  
23    may have been located in regards to  
24    the closet, but other than that, most  
25    things were consistent.

1                   A. LITZINGER

2                 Q. Which inconsistencies with  
3 respect to the closet do you remember?

4                 A. The presence of an old  
5 laptop.

6                 Q. Is there anything else that  
7 you remember?

8                 A. Not that I recall off the  
9 top of my head, but if you ask me a  
10 specific question it may spark  
11 something later on.

12               Q. Okay. What is your full  
13 name, Mr. Litzinger?

14               A. My full name is Andrew David  
15 Litzinger.

16               Q. And have you ever gone by  
17 any other name?

18               A. Just Andy.

19               Q. What is the address of your  
20 primary residence?

21               A. 747 Saffron Lane, Webster,  
22 New York 14580.

23               Q. When did you move to Saffron  
24 Lane?

25               A. I bought my house five years

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1                   A. LITZINGER  
2 ago. So I believe -- what are we in,  
3 March? About March 2020 is when I  
4 bought my house.

5                   Q. Okay. Do you know of anyone  
6 other than the people mentioned in  
7 your report, and the individuals we  
8 discussed already, meaning,  
9 Attorney Schwarz, Ms. Marcellin,  
10 Mr. Karasinski, Dr. Martin, is there  
11 anyone else that knows anything about  
12 this incident?

13                  MR. SCHWARZ: Object to  
14                   the form of the question.

15                  A. Not that I am aware of, no.

16                  Q. If you can give me a brief  
17 summary of your educational background  
18 from high school to your highest level  
19 of educational attainment?

20                  A. Sure. Brief summary would  
21 be I graduated high school in 2003. I  
22 joined the United States Marine Corps.  
23 I did five years active duty where I  
24 got out with an E5 sergeant. And in  
25 that time period I became FAA

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1                   A. LITZINGER  
2 certified to -- certified unmanned  
3 aircraft safer flight, which is a  
4 pretty big certification.

5                   From there I graduated -- I  
6 left there and went to college to be  
7 an electrician where I graduated with  
8 honors. That's more of a trade  
9 school.

10                  Then after that I went back  
11 to school to -- for electrical  
12 engineering. I graduated from Monroe  
13 Community College in approximately  
14 2013 with an associate's degree in  
15 engineering. Then from there I went  
16 to Rochester Institute of Technology  
17 where I graduated in spring of 2016  
18 with a bachelor's degree in electrical  
19 engineering.

20                  Q. Okay. That's very helpful.  
21 Do you have any licenses or  
22 certificates?

23                  A. I don't have any licenses.  
24 I have certificates in different  
25 areas.

1                   A. LITZINGER

2                 Q.     Okay. Could you talk about  
3     the ones that were pertinent to your  
4     report here first?

5                 A.     Certificates?

6                 Q.     Correct.

7                 A.     So pertinent to this case my  
8     degree as an electrician coupled with  
9     my degree in electrical engineering  
10    allows me to evaluate the building's  
11    electrical system as a whole as well  
12    as my degree in electrical engineering  
13    helps me look, you know, at potential  
14    failures in appliances and anything  
15    electrically connected, it helps me in  
16    that evaluation.

17                Q.     Okay. But you mentioned you  
18    had a number of certificates too, so I  
19    am just wondering if there are any  
20    certificates that you particularly  
21    relied on in formulating this report?

22                A.     No. My certificate, no.

23                Q.     Okay. I guess what is the  
24    most recent certificate you have  
25    received in respect of this work?

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1                   A. LITZINGER

2                 A. As it pertains to this case

3         or --

4                 Q. Just generally.

5                 A. Generally my most -- I have  
6         an ABYC Marine Electrical Technician  
7         Certification, but that applies to  
8         boats.

9                 Q. Okay. Are you a  
10      professional engineer?

11                A. I do not have my  
12      professional engineer license.

13                Q. Are you -- do you have any  
14      professional background in computer  
15      design?

16                A. I do not.

17                Q. You were with the Military,  
18         and so that deals with those  
19         questions. I apologize, should I be  
20         addressing you as Sergeant Litzinger?

21                A. No, no, no. I am no longer  
22         active duty, but thank you.

23                Q. Understood.

24                          Have you ever personally  
25         been involved in a civil lawsuit,

1                           A. LITZINGER

2 meaning, you sued someone, or they  
3 sued you?

4                           A. Personally, no.

5                           Q. What about criminal  
6 proceedings, have any charges been  
7 brought against you?

8                           A. No.

9                           Q. Any other kind of lawsuits,  
10 arbitrations, anything like that,  
11 again, personal to you?

12                          A. No.

13                          Q. Okay. So we already talked  
14 a little bit about this. I think you  
15 have kind of brought me up to 2016  
16 with respect to your employment  
17 history, but if you can give me a  
18 brief summary of the positions you  
19 have held, and the responsibilities  
20 you have held since retiring from  
21 active duty with the Military?

22                          A. Sure. What I -- while I was  
23 in college, my first time in college,  
24 my electrician's degree to make it  
25 easy, I worked for a company called

1                           A. LITZINGER  
2       Blackmon-Farrell Electric where I did  
3       project management and project  
4       estimation. Basically what I did  
5       there is I would take engineering  
6       drawings and determine a cost estimate  
7       for our company to be able to complete  
8       that work based on either the new  
9       conditions that are there, or the  
10      existing conditions. Once those -- if  
11      we did win those bids I would then  
12      manage that project from beginning to  
13      end.

14                          From there while I was in  
15      school, and part time while -- in  
16      school for my engineering degree I did  
17      work for Picard Engineering. While I  
18      was there I did what is called MEP  
19      work, it is mechanical, electrical,  
20      plumbing. I didn't do any mechanical  
21      or plumbing in that regards, but I did  
22      the electrical. That pertained to  
23      doing anywhere from residential to  
24      industrial or commercial design work.  
25      So in that instance I would do -- I

1                   A. LITZINGER  
2     would evaluate generator systems to  
3     upgrade those or bring those up to  
4     current code and compliance.

5                   I did work for the hospitals  
6     in their infectious disease ward to  
7     design the electrical systems for part  
8     distribution all the way to the  
9     electrical system in terms of  
10    receptacles, things of that nature.

11                  I did solar panel design and  
12    layout as well as other types of  
13    renewal energy such as wind. I did  
14    game and casinos.

15                  I did work for a Lockheed  
16    Martin designing some of their  
17    infrastructure. Whenever they get a  
18    new project they would basically gut  
19    an entire facility to set up a new  
20    area electrically for whatever new  
21    project they had.

22                  Then from there when I  
23    graduated from RIT with my bachelor's  
24    in electrical engineering I came to  
25    work for FRT.

1 A. LITZINGER

2 Q. So basically your entire  
3 career since getting your degree in  
4 2016 from RIT has been with FRT?

5 A. My full-time career, that's  
6 correct.

7 Q. Okay. So you talked about  
8 gutting and setting up these areas for  
9 Lockheed Martin, and also just  
10 generally electrical design for  
11 residential and commercial spaces;  
12 right?

13 A. That's correct.

14 Q. So would you know a lot  
15 about how a properly wired house is  
16 supposed to look?

17 A. That's correct.

18 Q. You know, pull the walls off  
19 and you can see if it was a hasty job,  
20 or if everything is nice and neat kind  
21 of thing?

22 A. Yes.

23 Q. Okay. How would you  
24 characterize the electrical system of  
25 the Marcellin residence based on your

1                   A. LITZINGER

2     experience in designing new builds and  
3     things like that?

4                   A.     I would say it was typical  
5     of that type of structure. This was  
6     what I would call more of a modular  
7     home, so that would be pretty  
8     consistent with those types of wiring.

9                   Q.     So did it look to you like  
10   old? New? Recently redone? Can you  
11   comment on, I guess, the  
12   characteristics of the wiring as it  
13   were?

14                  A.     In terms of age I can tell  
15   you it wasn't anything recent, but  
16   outside of that I don't have much  
17   information.

18                  Q.     Was it messy, or was  
19   everything cabled nicely?

20                  A.     I didn't see anything wrong  
21   with the installation.

22                  Q.     I live in a 1941 house, and  
23   I had to redo the electric and it was  
24   full of old stuff that wasn't  
25   connected to anything, right. So

1                           A. LITZINGER  
2       there is an old doorbell chime that  
3       doesn't go anywhere, and there's a  
4       cloth-wrapped wire in the wall that  
5       isn't connected to any outlet. Did  
6       you see anything like that in the  
7       Marcellin home, any old or essentially  
8       extent-type wiring?

9                           A. No, I did not.

10          Q. So everything looked like it  
11       was going somewhere?

12          A. Yes.

13          Q. It all had a purpose?

14          A. That's correct.

15          Q. And it was pretty neat and  
16       orderly behind the walls?

17          A. Yes.

18          Q. Was everything in channels,  
19       or was it just out when you took the  
20       wall off?

21          A. I am sorry, I don't know  
22       what you mean by channels.

23          Q. I mean, were the electrical  
24       supply cables, again, this is a total  
25       laymen speaking. When we did our

1                   A. LITZINGER  
2 house the building inspector said,  
3 here, here, and here you need to have  
4 a guard, or a plastic tubing, or  
5 basically an insulator for the cables  
6 at various points in the house because  
7 it was semi-accessible to a crawl  
8 space for instance, so they said you  
9 can't have the bare cable. Am I  
10 making any sense, Mr. Litzinger?

11                  A. Yes, I understand.

12                  Q. So do you know what I mean  
13 by saying were the cables in channels  
14 at all behind the wall?

15                  A. I believe I understand. To  
16 answer your question, the -- so it was  
17 a two-by-four framing, so in this type  
18 of residence -- this type of structure  
19 the wires would have been considered  
20 concealed behind the wallboard.

21                   So in that typical -- so it  
22 would be typical and allowable by  
23 code. What they would do is they  
24 would drill holes through the studs,  
25 and they would run their wires through

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1                   A. LITZINGER

2     the wall studs, which is acceptable.

3     Since it is concealed there is no

4     protection wire required.

5                   There were nailer plates on  
6     the studs where those wires did go  
7     through the holes in the studs, and  
8     those nailer plates are used to  
9     protect from any potential, you know,  
10    of drywall, or nails or if they shoot  
11    a nail through there it is not going  
12    to damage the wire.

13                  Q.     Okay. Thank you for reading  
14    between the lines of my question, I  
15    appreciate that.

16                  You mentioned that this was  
17    allowable by code, and I understand it  
18    is exactly what we were talking about  
19    with the building inspector, right,  
20    when it is fully concealed you don't  
21    need those channels, those protection.

22                  When you mention the code  
23    thing it got me thinking, was there --  
24    was the house generally, did it appear  
25    to be consistent with the code as you

1                   A. LITZINGER

2   understood it at the time?

3                   A.       Yes.

4                   Q.       So it generally looked up to  
5   code?

6                   A.       I wasn't looking at it from  
7   that perspective. I wasn't looking  
8   for code violations, but what I did  
9   observe appeared to be correct.

10          Q.       Okay. So fair to say you  
11   weren't looking for code violations,  
12   but you certainly didn't see any in  
13   your examination of the residence?

14          A.       That's correct.

15          Q.       Okay. Have you ever worked  
16   in computer manufacturing?

17          A.       I have not.

18          Q.       Do you have any professional  
19   background in battery pack design?

20          A.       Design, no.

21          Q.       How about battery cell  
22   design?

23          A.       I have learned about battery  
24   cell design to a limited degree in  
25   doing what we are doing, what I do in

1                   A. LITZINGER  
2       the fire investigation field trying to  
3       learn and understand about those, but  
4       I haven't taken any formal training as  
5       far as a degree program.

6                   Q.     Do you have any professional  
7       background in battery pack and cell  
8       manufacturing?

9                   A.     I do not.

10                  Q.     Have you ever written any  
11       peer-reviewed articles about notebook  
12       computers?

13                  A.     I have not.

14                  Q.     How about lithium-ion  
15       batteries?

16                  A.     I have not.

17                  Q.     Have you ever been in a  
18       notebook computer manufacturing  
19       facility?

20                  A.     I have not.

21                  Q.     Have you ever been in a  
22       battery manufacturing facility?

23                  A.     I have not.

24                  Q.     Have you ever obtained a  
25       PET?

1                   A. LITZINGER

2                   A.       No.

3                   Q.       Have you ever been qualified  
4       as an expert in human factors?

5                   A.       I am not familiar with what  
6       you mean by that.

7                   Q.       Fair to say you don't hold  
8       yourself out as an expert in human  
9       factors?

10                  A.       I don't know how to answer  
11      that because I don't understand what  
12      you are asking me.

13                  Q.       Okay. How about an expert  
14      on product warnings, do you hold  
15      yourself as an expert in product  
16      warnings?

17                  A.       I do evaluate them. For  
18      this case that's outside of the scope  
19      of my investigation.

20                  Q.       So you didn't look at any  
21      warnings here?

22                  A.       Once again, if you have a  
23      specific warning, I did review all of  
24      the evidence so if there is a warning  
25      to review, I did review it, but I

1                   A. LITZINGER

2     would have to have a more specific  
3     example of that.

4       Q.     Okay. But assessing the  
5     warnings in this case wasn't part of  
6     the purview of your engagement; is  
7     that fair to say?

8       A.     Correct. That's outside of  
9     the scope of my investigation.

10      Q.     Okay. Have you ever been  
11     qualified as an expert in fire  
12     investigation by any court?

13      A.     Yes, I have.

14      Q.     Do you hold yourself out as  
15     an expert in fire investigation?

16      A.     In the electrical aspects of  
17     fire investigation, that's correct.

18      Q.     I would like to dial in a  
19     little bit on that. So what is the  
20     distinction between being an expert in  
21     fire investigation generally, and  
22     being an expert in the electrical  
23     aspect of fire investigation?

24      A.     So typically if there is a  
25     line of delineation it would be

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1                           A. LITZINGER  
2       that -- well, Jason Karasinski, our  
3       origin and cause expert, he looks at  
4       fire patterns. That's where he would  
5       be looking at the fire dynamics and  
6       fire patterns of that particular  
7       aspect of a fire in general.

8                           When there is a perceived,  
9       or thought to be an electrical cause,  
10      whether it is the building or some  
11      sort of a product, that's when I would  
12      be engaged to take a look at the  
13      evidence and/or the scene to do my  
14      portion of the evaluation.

15       Q.     And your portion of the  
16      evaluation is to look at whether there  
17      is an electrical cause, meaning, the  
18      building or a product?

19       A.     Simply put, yes.

20       Q.     And that's what you were  
21      engaged to do in this case?

22       A.     That's correct.

23       Q.     So is it fair to say you are  
24      not a cause and origin expert?

25       A.     That was not part of my

1 A. LITZINGER

2 scope for this investigation.

3 Q. That's Mr. Karasinski;

4 right?

5 A. That's correct.

6 Q. Are you a notebook battery  
7 design expert?

8 A. I have not designed a  
9 battery -- notebook battery before.

10 Q. Are you a mechanical  
11 engineer?

12 A. No, I am not.

13 Q. Have you ever been the  
14 subject of a Daubert challenge, if you  
15 know what that means?

16 A. Yes, I have.

17 Q. Do you know what the outcome  
18 of that was?

19 A. I was not precluded, if  
20 that's the correct -- I passed.

21 Q. That's the correct way to  
22 say it.

23 Are you a member of NFPA?

24 A. I do serve on a special task  
25 force. I will call it a task group, I

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1                           A. LITZINGER  
2 guess, not task force, for Chapter 6  
3 and Chapter 9 review. I was part of  
4 the Chapter 9 review most recently due  
5 to -- I was part of that task group  
6 for the current edition that's out  
7 now. I helped write the Chapter 9  
8 section.

9                           Q. And that's the 2024 edition?

10                          A. That's correct.

11                          Q. Are you a member of the  
12 NAFI?

13                          A. I am a member of NAFI,  
14 correct.

15                          Q. Have you published any  
16 articles on cause and origin or fire  
17 investigation?

18                          A. I have not.

19                          Q. I think I know the answer to  
20 this one seeing as you wrote it, but  
21 would you consider NFPA 921 to be an  
22 authoritative and accepted guide on  
23 the subject of fire and explosion  
24 investigation?

25                          A. Yes.

1 A. LITZINGER

2 Q. Would you consider Kirk's a  
3 generally accepted guide or treatise  
4 on fire and explosion investigation?

5 A. Yes, I would.

6 Q. I am going to turn to the  
7 document marked as Exhibit 1, if I may  
8 share, Madam Reporter. It looks like  
9 I can.

10 (Whereupon, 26-page Andy  
11 Litzinger report dated  
12 October 14, 2024, was  
13 marked Litzinger Exhibit 1  
14 for identification, as of  
15 this date.)

16 MR. SCHWARZ: Is that  
17 his report?

18 MR. LEVITES: It is.

19 MR. SCHWARZ: He's got  
20 a paper copy of that too  
21 so you may not have to  
22 share unless you want to.

23 Q. If you prefer to look at the  
24 paper copy, Mr. Litzinger, that's  
25 fine, and then we can all see each

1                   A. LITZINGER  
2 other a little bit better. If you  
3 would like me to put up the specific  
4 pages I can do that as well. Up to  
5 you.

6                   A. We can work from my paper  
7 copy, that's fine. If we have to do a  
8 screen share --

9                   Q. Yeah, if you want me to pull  
10 up a particular page if you can't find  
11 it or something we can do that.

12                  A. Sure.

13                  Q. I have in front of me a  
14 26-page document that begins with the  
15 FRT logo, your origin and cause  
16 solution, by Andy Litzinger. Do you  
17 have that document in front of you?

18                  A. I do.

19                  Q. Okay. So the document is  
20 dated on the first page October 14,  
21 2024. Is that the one you have in  
22 front of you?

23                  A. It is.

24                  Q. Okay. So for our purposes,  
25 Mr. Litzinger, if we refer to your

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1                   A. LITZINGER  
2 report it is going to be the report we  
3 just identified as this October 2024  
4 report, and we are marking as  
5 Exhibit 1. Is that okay?

6                   A. Yes.

7                   Q. I am going to also mark as  
8 Exhibit 2 the rebuttal report of  
9 Mr. Karasinski dated December 31,  
10 2024.

11                   (Whereupon, rebuttal  
12 report of Mr. Karasinski  
13 dated December 31, 2024,  
14 was marked as Litzinger  
15 Exhibit 2 for  
16 identification, as of this  
17 date.)

18                   Q. Do you have that,  
19 Mr. Litzinger?

20                   A. I do not have that.

21                   Q. Okay. So I am just going to  
22 put this up so we can ID it for the  
23 reporter. Can you see that,  
24 Mr. Litzinger?

25                   A. Yes, I can.

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1                   A. LITZINGER

2                 Q. So it states on page one of  
3     this rebuttal report, "opinions  
4     concerning the electrical system are  
5     provided by senior forensic electric  
6     consultant Andy Litzinger." That's  
7     you; right?

8                 A. Yes.

9                 Q. My question is, did you  
10   provide opinions in this December 31,  
11   2024, report?

12          A. I did not.

13          Q. Okay. I am going to have  
14   this marked as Exhibit 2, this  
15   rebuttal report. We may not need to  
16   go into it at all because it appears  
17   that Mr. Karasinski's statement here  
18   that opinions concerning the  
19   electrical system were provided by  
20   Mr. Litzinger that that's merely  
21   referring the reader to your report of  
22   October 14th that we just marked as  
23   Exhibit 1; does that sound right?

24          A. That sounds correct.

25          Q. Okay. If we do get to this

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1                   A. LITZINGER  
2 second exhibit, this rebuttal report  
3 by Mr. Karasinski I will refer to it  
4 as the rebuttal report. Okay?

5                   A. Understood.

6                   Q. Thank you.

7                   So we mentioned

8 Mr. Karasinski a few times. Who is  
9 Mr. Karasinski?

10                  A. Mr. Karasinski is the owner  
11 of Fire Research Technology as well as  
12 the senior origin and cause expert.

13                  Q. Okay. How do you work  
14 together? Are you -- you described it  
15 a little bit earlier, but maybe if you  
16 can expand on that process?

17                  A. So I guess I will use it in  
18 general terms. Mr. Karasinski is --  
19 would typically be what I would say,  
20 he would go out to a fire scene  
21 investigation and do his initial  
22 evaluation. If there is, as I said  
23 before, if there is electrical --  
24 thought to be an electrical causation  
25 or potential for that Mr. Karasinski

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1                           A. LITZINGER  
2       would engage me, and have me come out  
3       to the scene and evaluate the  
4       electrical portion of our  
5       investigation.

6                           Typically he goes out first.  
7       In this instance Mr. Karasinski and I,  
8       our first time at the fire scene was  
9       together. To my understanding he had  
10      no previous interactions with -- or he  
11      had not been on to the fire scene  
12      prior to his and my first time.

13       Q.     Okay. I think you kind of  
14      answered my next question, which is,  
15      what is the nature of your working at  
16      the company? He is the owner, and he  
17      engages you when his initial  
18      evaluation discloses some potential  
19      electrical issue.

20                          When you say he engages you,  
21      are you -- do you bill FRT hourly?  
22      Are you a salaried employee? Is he  
23      assigning you this work, or is he  
24      retaining you as a consultant?

25       A.     No, I am an employee of FRT.

1                   A. LITZINGER

2                 Q.     Okay. So when he is  
3     engaging you he is basically sending  
4     you a message saying, are you  
5     available, I have this investigation.  
6     There might be an electrical issue. I  
7     would like you to come out and perform  
8     your analysis?

9                 A.     He is not engaging me  
10    directly. It would go to our office  
11    staff, which I call project  
12    coordinators. Back then we didn't  
13    have project coordinators. It would  
14    have been, I will call it just our  
15    lone secretary. Once it hits my  
16    schedule then I would go out with him.  
17    That's how we would operate. He is  
18    not necessarily sending me any  
19    particular information in that regard.

20                Q.     Okay. Makes sense.

21                   So who maintains the file  
22    for a particular case?

23                 A.     I don't understand. What do  
24    you mean by that?

25                 Q.     So to take this one as an

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1                   A. LITZINGER  
2 example, Ms. Marcellin. Does  
3 Mr. Karasinski maintain all of the  
4 documents and records? Do you do it?  
5 Do you both do it?

6                   A. I understand. So we have a  
7 file management system used by  
8 attorneys, it is called Clio. We use  
9 that as a repository for all of our  
10 documentation, that's photographs,  
11 notes, timekeeping. So we have a  
12 repository where we would put all of  
13 that information.

14                  Q. So you're uploading  
15 documents and notes to Clio, and so is  
16 Mr. Karasinski?

17                  A. That is correct.

18                  Q. And you can both see each  
19 other's documents, and work, and so  
20 forth?

21                  A. That is correct.

22                  Q. Okay. Did you do any work  
23 of significance to your opinions  
24 that's not reflected in the two  
25 reports we have marked here as

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1 A. LITZINGER

2 Exhibits 1 and 2?

3 A. No.

4 Q. Did you incur any expenses  
5 of significance that are not reflected  
6 in your billing records?

7 A. Not that I am aware of.

8 Q. I am going to turn to page  
9 20 of your report, which is your CV.

10 A. I have pages one through 19  
11 here. I did not print out my CV.

12 Q. Not a problem. I will put  
13 it up.

14 So we have your CV here. It  
15 begins on page 20. It looks like it  
16 is three pages total through page 23.  
17 Is that your CV?

18 A. It is kind of small, but it  
19 appears that way, correct.

20 Q. Let me see if I can blow it  
21 up.

22 A. That's better.

23 Q. So starting on page 20. I  
24 am going to scroll down. Let me know  
25 if I need to slow down a little bit.

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1 A. LITZINGER

2 I am just going to scroll so you can  
3 see the three pages. It looks like it  
4 goes through page 23 there.

5 Having reviewed this CV more  
6 closely, can you answer whether that's  
7 your CV?

8 A. That looks to be my CV,  
9 that's correct.

10 Q. Okay. Do you know if it is  
11 current, at least current as of the  
12 date of this disclosure, which was  
13 October of 2024?

14 A. It looks to be that way. I  
15 have had some updates to it since  
16 October because I believe my last  
17 deposition was a week after this was  
18 issued.

19 Q. Understood. Then on page 21  
20 you will see there is a list of your  
21 testimony, and it continues on to page  
22 22. So these were the cases in which  
23 you were previously deposed and we  
24 talked about earlier; right?

25 A. Yes, it is.

1                   A. LITZINGER

2                 Q.     Do you know how many cases  
3     in which you were engaged to represent  
4     the plaintiff, or to support the  
5     plaintiff?

6                 A.     All of these were plaintiff.

7                 Q.     Okay. And are any of these  
8     active matters?

9                 A.     Not that I am aware of, no.

10                Q.     Have you been qualified as  
11     an expert and testified at trial in  
12     any of these cases?

13                A.     I have not.

14                Q.     What were the products  
15     involved in these cases?

16                A.     I will do my best from  
17     memory here.

18                Q.     Of course. I understand  
19     some of these are five years old.

20                A.     Bear with me, please.

21                   The State of Massachusetts  
22     loss involved a steam generator. That  
23     one was a steam generator that had a  
24     failure of the unit itself. The State  
25     of New York involved a window fan,

1                   A. LITZINGER

2 more specifically a shaded pole motor  
3 failure. The -- can you scroll down a  
4 little bit for me?

5                   Q.        Absolutely.

6                   A.        That's good. The State of  
7 Pennsylvania deposition, that  
8 involved -- there was no electrical  
9 cause. It was an unattended candle  
10 and a puppy unfortunately. I was  
11 brought in to evaluate the electrical  
12 system, and was -- I determined that  
13 it was not a factor in the loss.

14                  I do not recall the last one  
15 that is on there, but I have had -- I  
16 can say that I have had two more  
17 depositions since then, I believe, now  
18 that I am thinking about it. I  
19 misspoke earlier.

20                  Q.        That's okay. For those two  
21 cases, what were the products in  
22 those?

23                  A.        One involved a RYOBI battery  
24 pack, lithium-ion battery failure in  
25 that case. And the other one involved

1 A. LITZINGER

2 a furniture power distribution unit,  
3 or FPU, that was in a night stand.

4 Q. Okay. So none of these  
5 involved notebook computers; fair to  
6 say?

7 A. That is correct.

8 Q. It looks like the RYOBI case  
9 was the one that -- the only one that  
10 involved a lithium-ion battery?

11 A. That's correct.

12 Q. In the RYOBI case, do you  
13 remember the law firms that were  
14 involved?

15 A. I do not off the top of my  
16 head.

17 Q. Do you remember the  
18 circumstances of that case? Was there  
19 a fire?

20 A. Yes, there was a fire. The  
21 circumstances of that case, I remember  
22 them, I can't say I remember all of  
23 them.

24 Q. But generally, was it your  
25 opinion that the RYOBI lithium-ion

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1 A. LITZINGER

2 battery was implicated in the fire, or  
3 ruled out, or something else?

4 A. Yes, they were implicated in  
5 the fire.

6 Q. And was it your opinion that  
7 the other sources could be ruled out,  
8 but the RYOBI could not?

9 A. That's correct.

10 Q. Do you know what kind of  
11 lithium-ion battery was in that RYOBI?

12 A. What do you mean by what  
13 kind?

14 Q. I mean like what kind of  
15 cell? Was it an 18650 cell like in  
16 this notebook? Was it a little button  
17 cell like in your watch?

18 A. Understood. It was an 18650  
19 cell.

20 Q. Was it one? Two? Four? If  
21 you remember.

22 A. I don't recall what the  
23 capacity was of the battery pack off  
24 the top of my head.

25 Q. Did all of these -- in each

1                   A. LITZINGER  
2       of the cases that we just talked  
3       about, did you end up giving a formal  
4       opinion in the form of a report?

5                   A.      Yes.

6                   Q.      Okay. Is it fair to say  
7       that in each of the cases we talked  
8       about except for the unattended candle  
9       matter, that you concluded the --  
10      actually, withdrawn.

11                  Is it fair to say in each of  
12      the cases we talked about you  
13      concluded the building electrical  
14      system was not the cause of the fire?

15                  A.      That's correct.

16                  Q.      Now, going back to your CV  
17      here, and I can zoom out a little bit  
18      so you can see more of it, is there  
19      anything in here that as you sit here  
20      today is either inaccurate or  
21      incorrect that you would like to alert  
22      us to? You told us about the  
23      additional depositions you have since  
24      given, but is there anything else, you  
25      know, certificates, licenses,

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1 A. LITZINGER

2 publications, any of this other stuff  
3 here?

4 A. No.

5 Q. Okay. Is there anything  
6 that you consider of importance or  
7 significance to your opinions that you  
8 gave in this case that's not in your  
9 CV, meaning, you have some other kind  
10 of experience that you brought to  
11 bear, but it is not listed here on  
12 these three pages?

13 A. Not that I am aware of, no.

14 Q. Okay. Do you know how much  
15 you billed to date on this file?

16 A. I don't.

17 Q. Okay. Do you have any idea  
18 of it? 1,000? 5,000? 10,000?

19 A. I do not.

20 Q. Okay. Do you know how many  
21 hours you have worked on this case?

22 A. I do not.

23 Q. Would you say it is more  
24 than one hour?

25 A. Yes.

1 A. LITZINGER

2 Q. Would you say it is more  
3 than five hours?

4 A. Yes.

5 Q. Would you say it is more  
6 than 20 hours?

7 A. Yes.

8 Q. Okay. Would you say it is  
9 more than 50 hours?

10 A. I am going to say yes.

11 Q. Okay. Would you say it is  
12 more than 100 hours?

13 A. I don't know at this point.

14 Q. Okay. So more than 50, but  
15 you can't say if it is greater than  
16 100; is that fair to say?

17 A. Yes.

18 Q. Okay. So you can say with  
19 some confidence you worked at least  
20 50 hours on this case?

21 A. Yes.

22 Q. Okay. Now, without telling  
23 me the specifics of any communications  
24 you have had with Attorney Schwarz or  
25 with anyone from his law firm, how was

1                   A. LITZINGER  
2       it that you came to be retained in  
3       this matter? I think you talked about  
4       how you came to be involved with  
5       Mr. Karasinski. Is there anything  
6       beyond that that you can add? Was it  
7       a consulting, you know, a referral  
8       that you got? Did you get a call from  
9       Attorney Schwarz's office? Was it  
10      something else?

11                  A. I don't know how typically  
12       FRT is engaged. We are retained by --  
13       in this instance it would be  
14       Mr. Schwarz's office, but Jason  
15       Karasinski was the one initially  
16       engaged in it.

17                  Typically FRT is engaged as  
18       a company, and then we have an  
19       investigator assigned such as  
20       Mr. Karasinski, then I will be brought  
21       in if the client deems it necessary.  
22       Outside of that, I don't have a lot of  
23       involvement in that.

24                  Q. Understood. Have you worked  
25       with Mr. Schwarz before this case?

1                   A. LITZINGER

2                 A. I have not.

3                 Q. Have you worked with his  
4 firm, Faraci and Lange, prior to this  
5 case?

6                 A. I don't believe so, no.

7                 Q. Okay. So we went over your  
8 report, which was October 14th that we  
9 marked as Exhibit 1. We talked about  
10 Mr. Karasinski's rebuttal that was  
11 marked as Exhibit 2. Are there any  
12 other reports out there that set forth  
13 opinions or findings, your opinions or  
14 findings that are different or  
15 supplemental to these two reports that  
16 we just marked?

17               A. Not that I am aware of, no.

18               Q. If we can turn to page 17 of  
19 your report, which I --

20                   MR. SCHWARZ: We have  
21                   been going an hour five  
22                   minutes. Do you mind  
23                   taking a five-minute break  
24                   about now?

25                   MR. LEVITES:

1                   A. LITZINGER

2                   Absolutely. Let's make it  
3                   six minutes and I will see  
4                   you guys at 11:10.

5                   THE WITNESS: Sounds  
6                   good. Thank you.

7                   (Whereupon, a short  
8                   break was taken at this  
9                   time.)

10          Q.       Mr. Litzinger, I asked you  
11         before our break to turn to page 17 of  
12         your report. Do you have that?

13          A.       Yes, sir.

14          Q.       Okay. So under the section  
15         entitled, Conclusions, there are three  
16         paragraphs that appear to be setting  
17         forth your findings in this cause. Is  
18         it fair to say that these paragraphs  
19         represent a summary of your opinions  
20         in the case?

21          A.       Yes.

22          Q.       Do you have any opinions of  
23         significance that is not set forth on  
24         this page?

25          A.       No.

1                   A. LITZINGER

2                 Q. Did you do any work of  
3 significance in reaching your opinions  
4 on page 17 that is not reflected in  
5 your report?

6                 A. No.

7                 Q. I asked you about  
8 significant expenses, but did you  
9 incur any expenses in doing your work  
10 in this case?

11                A. Expenses, what do you mean  
12 by expenses?

13                Q. Incidental expenses; travel,  
14 copying, mailing, anything like that?

15                A. Not that I am aware of, but  
16 there may be expenses that the office  
17 has in there, as you said, copying,  
18 but I don't know what those are.

19                Q. Okay. But nothing for you  
20 for buying parts, or travel, or  
21 anything like that?

22                A. Not that I recall. There  
23 may have been something in there, but  
24 I just don't recall.

25                Q. Okay. But anything of

1                   A. LITZINGER

2   significance would have been in your  
3   billing records?

4                   A. Yes.

5                   Q. Now, as an initial matter,  
6   do you understand that the notebook  
7   that is at issue in this case was an  
8   HP Pavilion DV6?

9                   A. Yes.

10                  Q. For ease of reference today,  
11   when I talk about the Pavilion, I am  
12   talking about the Pavilion DV6 model,  
13   and then when I talk about the  
14   specific notebook, the one that  
15   Ms. Marcellin had, I will call it the  
16   Marcellin notebook. Is that okay?

17                  A. So the -- sorry, can you say  
18   that last part again?

19                  Q. Yes. So when I am talking  
20   about the model generally I am going  
21   to say Pavilion. When I'm talking  
22   about Ms. Marcellin's physical  
23   notebook, the one that was in her  
24   house, I will call it the Marcellin  
25   notebook. Does that make sense?

1 A. LITZINGER

2 A. Understood.

3 Q. Okay. With respect to the  
4 Marcellin notebook, the one that she  
5 had, do you know when it was  
6 manufactured?

7 A. I would have to look at the  
8 markings on the computer to give you a  
9 definitive answer on that.

10 Q. Has anyone else conveyed to  
11 you when it was manufactured?

12 A. No.

13 Q. Okay. If I told you it was  
14 manufactured in December 2010, does  
15 that sound right to you?

16 A. The year 2010 does sound  
17 familiar with regards to this case.  
18 Like I said, I would have to look at a  
19 photograph to refresh my memory.

20 Q. Okay. And then if you look  
21 at pages two to three of your report  
22 there is a list of materials you  
23 reviewed beginning in the header,  
24 services conducted in preparation of  
25 this summary. Do you see that?

1                   A. LITZINGER

2                 A. Yes, I am there.

3                 Q. Okay. And then I am going  
4 to flip one more time to page 19. It  
5 is the last page of the report that  
6 you have. You will see there is a  
7 header that says references, and there  
8 are five documents listed there. Do  
9 you see that?

10               A. Give me one second. I am  
11 just going to get these so they are  
12 easily -- okay.

13               Q. So you see the list of  
14 references on 19?

15               A. Yes, I do.

16               Q. So my question,  
17 Mr. Litzinger, is there anything you  
18 reviewed in preparation of your report  
19 that's not listed on pages two and  
20 three or page 19?

21               A. No.

22               Q. Okay. So going back to  
23 three.

24               A. Okay.

25               Q. You state that you

1                   A. LITZINGER  
2 personally examined the Marcellin  
3 notebook, and that you attended two  
4 examinations. Do you see that?

5                   A. Are we looking in the  
6 services conducted, or the synopsis  
7 portion?

8                   Q. Synopsis. Thank you.

9                   A. Yes.

10                  Q. Okay. So when did you  
11 examine the Marcellin notebook? Was  
12 it on February 27th, October 27th, or  
13 on both days?

14                  A. It would have been both  
15 days.

16                  Q. Okay. So I guess let's take  
17 them one at a time then. We will try  
18 to do the same questions for each.

19                   So for the February 27th  
20 exam, what did you do during that  
21 examination of the Marcellin notebook?

22                  A. That would have just been  
23 general documentation of the Marcellin  
24 notebook; how we first observed it,  
25 its condition, its location, as well

1                   A. LITZINGER

2     as its collection.

3       Q.     So fair to say your  
4     examination was physical, like a  
5     visual examination; you picked it up,  
6     you looked at it, then you vouchered  
7     it for collection?

8       A.     That's correct.

9       Q.     Then what did you do during  
10    the October 27th examination of the  
11    Marcellin notebook?

12      A.     The October 27th examination  
13    would have been an examination not  
14    just of the notebook, but all evidence  
15    that was collected. As far as the  
16    Marcellin notebook -- am I saying that  
17    correct?

18      Q.     Yes, absolutely.

19      A.     I just want to make sure I  
20    am using the same verbiage. That one  
21    we inspected it, we looked for any  
22    identifiers in terms of the laptop as  
23    well as the battery pack and/or any  
24    components. There were a few labels  
25    that we documented; one was thermal

1                   A. LITZINGER  
2 paper, so that one was heavily fire  
3 damaged so we weren't able to glean  
4 any good information from it, but we  
5 did not fully disassemble the  
6 Marcellin notebook at that time.

7                 Q. When you say you didn't  
8 fully disassemble it, did you partly  
9 disassemble it?

10          A. I believe we excavated some  
11 of the battery cell remains that were  
12 in there, but we didn't go past that.  
13 We were attempting to identify any  
14 potential stickers or markings on the  
15 battery pack enclosure of what  
16 remained.

17          Q. Okay. At the February 27th  
18 and October 27th exams, was it just  
19 you and Mr. Karasinski for both  
20 exams?

21          A. No.

22          Q. Okay. So who else was  
23 present at the October 27th exam?

24          A. I couldn't give you -- I  
25 believe there is a -- I have to look

1                   A. LITZINGER  
2       at the sign-in sheet for that day to  
3       be able to give you a firm answer on  
4       who was there, but I believe there  
5       were representatives from HP there as  
6       well as I think a representative of  
7       the home, the insurance company for  
8       the home, but I don't recall names and  
9       who else may have been there.

10          Q.     Okay. On February 27th, who  
11       else was at that examination?

12          A.     It would have -- I believe  
13       it would have been similar individuals  
14       or noticed parties, but I don't -- no,  
15       I believe HP did have representation  
16       there as well. I would have to look  
17       at the sign-in sheet as well. I  
18       apologize.

19          Q.     No apologies necessary. I  
20       am quizzing you from memory five years  
21       ago. I appreciate you doing the best  
22       you can.

23                   Now, you explained that you  
24       excavated some cells from the  
25       Marcellin battery. Did you perform

1                   A. LITZINGER  
2 any tests on February 27th with  
3 respect to the Marcellin notebook?

4                   A. Testing, no.

5                   Q. I think you said you  
6 reviewed an early CT scan. Was that  
7 the only CT scan you reviewed in this  
8 case?

9                   A. That is correct.

10                  Q. Did you review any X-rays in  
11 this case?

12                  A. Yes.

13                  Q. When did you review those  
14 X-rays?

15                  A. Those X-rays were taken  
16 during the October 27th exam.

17                  Q. So they were taken during  
18 the initial scene investigation?

19                  A. No. The joint laboratory  
20 examination.

21                  Q. So February 27th then?

22                  A. No. February 27th was --

23                  Q. I apologize. I am reversing  
24 them. I apologize. February 27th was  
25 the scene exam. October was the lab

1                   A. LITZINGER  
2 exam, and that's when you took the  
3 X-rays?

4                   A. That is correct.

5                   Q. Thank you for straightening  
6 me out there.

7                   Are you familiar with  
8 Linden's Handbook of Batteries?

9                   A. I am not.

10                  Q. Have you ever performed  
11 battery failure analysis?

12                  A. In regards to? I guess I  
13 would need to know what your  
14 definition of that would be.

15                  Q. I am wondering if you have  
16 ever performed a failure analysis with  
17 respect to a notebook computer battery  
18 pack?

19                  A. Not a notebook battery pack,  
20 no.

21                  Q. Did you do one for the RYOBI  
22 battery pack?

23                  A. I did an exemplar  
24 documentation and tear down.

25                  Q. For the RYOBI case?

1                   A. LITZINGER

2                 A. That's correct.

3                 Q. What is a counterfeit

4 battery pack?

5                 A. I don't have -- I don't know  
6 if there is a true definition. Would  
7 you like me to give you an answer as I  
8 understand what one would be?

9                 Q. Yes, please. Also, just  
10 going forward, we are just looking to  
11 test your knowledge, your  
12 understanding just because this is my  
13 one chance to talk to you. If we come  
14 across another question like that,  
15 please understand that I am looking  
16 for your understanding. It doesn't  
17 have to be a legal or scientific  
18 definition. We are just having a  
19 conversation.

20                   With that said, what is a  
21 counterfeit battery pack to you?

22                 A. Understood. A counterfeit  
23 battery pack would be a battery pack  
24 that was not manufactured, I will say  
25 by in this case HP, but it would be

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1                   A. LITZINGER  
2       able to be utilized with an HP  
3       product.

4                   Q.     Okay.

5                   A.     That's just being very  
6       specific to this particular case.

7                   Q.     That's fine. That's  
8       perfectly fine.

9                   Is there any distinction in  
10      your mind between a counterfeit  
11      battery pack and a non-authorized  
12      replacement battery pack?

13                  A.     I don't understand what you  
14       are asking in regards to that  
15       question.

16                  Q.     Maybe you have seen it in  
17      Dr. Martin's report. He talks about  
18      this, but I guess the distinction  
19      would be between a battery pack that's  
20      counterfeit versus one that's simply  
21      unauthorized. Neither is manufactured  
22      by HP, but there may be other  
23      difference between them. Does that  
24      make any sense to you?

25                  A.     Yes. To answer the question

1                   A. LITZINGER  
2       to the best of my ability, obviously  
3       the inspection of the HP laptop and  
4       the battery pack as a whole is -- was  
5       outside of my scope, and would be  
6       better talked about by Dr. Martin, but  
7       to answer your question, a -- works  
8       with, I believe that's the word you  
9       used, works with?

10          Q.     I believe you might have  
11       used it. I think I used authorized.

12          A.     Yes, I apologize, an  
13       authorized versus non-authorized there  
14       could be differences in the types of  
15       cells as well as the construction of  
16       the battery management system for that  
17       particular battery pack.

18          Q.     So as of the date of your  
19       examination on October 27th, was it  
20       your understanding that the cells in  
21       the Marcellin notebook were not  
22       original to her notebook?

23          A.     We -- initially we weren't  
24       sure about that. Then when we did the  
25       joint laboratory examination we did

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1 A. LITZINGER

2 have questions based on the evidence  
3 that we observed.

4 Q. And what were those  
5 questions?

6 A. The questions were more  
7 specific to the evidence. We did note  
8 that there were difference in the  
9 battery cells. We had a combination  
10 of what we call three vent hole cells  
11 and five vent hole cells, which would  
12 indicate that we had different cell  
13 manufactures in the battery pack  
14 itself.

15 Q. What is the significance of  
16 that fact to you?

17 A. That either -- that was the  
18 question we had at the time, you know,  
19 that brings the questions of if the  
20 battery pack was a true HP, or was  
21 there something involved during the  
22 manufacturing of these cells if this  
23 was a true HP product. We just didn't  
24 have enough information to go one way  
25 or the other at that time.

1                   A. LITZINGER

2                 Q.     Okay. So you had some  
3     questions as of October 27, 2020, as  
4     to whether the cells were original to  
5     the HP product, but you didn't have an  
6     answer one way or another, is that  
7     fair to say?

8                 A.     That's correct.

9                 Q.     Okay. Did you later get an  
10    answer one way or the other?

11                A.     Yes.

12                Q.     And when did you get that  
13    answer?

14                A.     I believe it was  
15    Ms. Marcellin -- it might have been  
16    before Ms. Marcellin's deposition. I  
17    don't recall, but we did eventually  
18    learn that it wasn't aftermarket  
19    battery pack.

20                Q.     Again, without getting into  
21    the substance of anything,  
22    conversations with Attorney Schwarz or  
23    any of his team, was that conveyed to  
24    you by counsel, Mr. Martin, someone  
25    else, or was it a result of your

1 A. LITZINGER

2 investigation?

3 A. I guess I would say it was a  
4 result of our investigation.

5 Q. So in October of 2020 you  
6 had some questions about whether the  
7 battery pack was original, and then at  
8 some point between then and  
9 Ms. Marcellin's testimony in 23 your  
10 investigation, your further  
11 investigation disclosed that it was  
12 not original; is that right?

13 A. That would be correct.

14 Q. Was that further  
15 investigation looking at the documents  
16 that were generated during the initial  
17 scene exam on February 27, 2020, and  
18 the laboratory exam on October 27,  
19 2020?

20 A. It would have been during  
21 the initial joint scene examination,  
22 my only time at the scene, we didn't  
23 know that so that would have been  
24 after the October 27th examination.

25 Q. So at some point after the

1                   A. LITZINGER  
2       October 27th examination you were  
3       reviewing the documents that you --  
4       your notes to that examination, and  
5       you came to the conclusion that this  
6       was not an original battery pack; is  
7       that accurate?

8                   A. I guess I would say that  
9       Ms. Marcellin's deposition I guess is  
10      what I would have -- I will say firmed  
11      that up for us.

12                  Q. What about her deposition  
13      firmed it up for you?

14                  A. I believe she -- if I recall  
15      correctly, she agreed that it was an  
16      aftermarket battery that she had  
17      purchased.

18                  Q. But you would agree that at  
19      the time of the fire the HP was not in  
20      the configuration that was sold to  
21      Ms. Marcellin; right?

22                  A. I don't understand your  
23      question.

24                  Q. So what I am trying to say  
25      is if the Marcellin notebook had an

1 A. LITZINGER

2 aftermarket battery in it at the time  
3 of the fire, then it was not in the  
4 configuration that HP sold it to  
5 Ms. Marcellin; right?

6 A. I understand. Yes, I agree  
7 with what you are saying.

8 Q. Do you have any knowledge of  
9 about what other alterations might  
10 have been made to the computer, or the  
11 operating system, or anything like  
12 that?

13 A. Not that I am aware of, no.

14 Q. Okay. Did you do any tests  
15 with respect to your work in the  
16 October 14, 2024, report?

17 A. Outside of the CT scans, no.

18 Q. Do you know if the Pavilion  
19 was UL listed?

20 A. I don't recall off the top  
21 of my head.

22 Q. What is UL?

23 A. Underwriters laboratory.

24 Q. Do you know what UL  
25 standards govern consumer electronic

1                   A. LITZINGER

2 products like the Pavilion?

3                   A. I do not off the top of my  
4 head know the specific standards.

5                   Q. Have you read them in the  
6 past?

7                   A. For the Pavilion, I don't  
8 recall that I have reviewed that one  
9 specifically, but I have worked with  
10 UL standards in the past.

11                  Q. Do you know if the battery  
12 pack or cells that shipped with the  
13 Pavilion were UL listed?

14                  A. I don't know that  
15 information. We were never able to  
16 inspect the original battery pack.

17                  Q. Okay. Do you know if the  
18 materials that you got in this case  
19 would have indicated one way or  
20 another if that was the case?

21                  A. I haven't seen anything that  
22 indicated that.

23                  Q. Do you know what UL  
24 standards govern lithium-ion battery  
25 packs?

1                   A. LITZINGER

2                 A. I don't know the specific  
3 standard off the top of my head.

4                 Q. Okay. Are you familiar with  
5 the UL testing for battery packs, the  
6 various tests that they perform?

7                 A. I have reviewed a few of  
8 them, but I have not done a  
9 comprehensive review of that.

10                Q. Okay. Do you know generally  
11 what tests they perform on battery  
12 packs?

13                A. Generally, to name a few off  
14 the top of my head they will do charge  
15 and discharge, what I will call a  
16 characterization test to look at  
17 the -- how the batteries perform while  
18 charging and discharging to make sure  
19 they are not over or under discharging  
20 per the tests. Other than that, I  
21 know they do a lot more, but I am just  
22 not familiar with that.

23                Q. Have you heard of the oven  
24 test?

25                A. In regards to batteries I

1                   A. LITZINGER  
2 may have in the past, but I don't -- I  
3 can't say specifically as it pertains  
4 to lithium-ion battery.

5                 Q.     Have you ever heard of the  
6 IEEE?

7                 A.     Yes, it is referred to as I  
8 Triple E.

9                 Q.     Right. So what is the IEEE?  
10 You don't have to give me the acronym.  
11 Just describe the organization.

12                A.     It is the study of  
13 electrical engineers, electrical and  
14 electronic engineers. They do  
15 publications. I don't have a -- I  
16 don't work with IEEE, so I don't have  
17 a ton of familiarity with them. I  
18 know of them, but I don't work with  
19 them.

20               Q.     Do you know what IEEE  
21 standards would have applied to  
22 rechargeable batteries for notebook  
23 computers back in December 2010?

24               A.     I do not.

25               Q.     Do you know what an exemplar

1                   A. LITZINGER

2    is?

3                   A.       Yes.

4                   Q.       What is an exemplar?

5                   A.       An exemplar would be a true  
6    representation of a particular  
7    product. In this case it would be  
8    something that we could -- we would  
9    say if we had a -- the Marcellin  
10   notebook, if we were able to locate an  
11   original notebook that was exactly the  
12   same to include layout, hardware, as  
13   well as the original cells, original  
14   charger. That's what would be  
15   considered an exemplar.

16                  Q.       Okay. So in this case it  
17    would be another Pavilion DV6 similar  
18    in condition to Ms. Marcellin's  
19   notebook; right?

20                  A.       That is correct.

21                  Q.       Did you obtain any exemplars  
22    in connection with your work in this  
23   case?

24                  A.       No.

25                  Q.       Did you attempt to?

1                   A. LITZINGER

2                 A. I would say yes, in terms of  
3             the other laptop computer that was  
4             collected from the scene.

5                 Q. So you would consider the  
6             newer HP to be an exemplar in this  
7             case?

8                 A. No, that's not correct. We  
9             collected it to evaluate what type of  
10           battery system it had, and maybe it  
11           was a similar one. We did not know  
12           during the scene exam if that would be  
13           the case.

14                   So all parties agreed to  
15           collect it, and preserve it because  
16           once we left we wouldn't -- we may not  
17           have the opportunity to get that back.  
18           We collected it in an attempt to see  
19           if there was anything that we can  
20           glean from it.

21                 Q. So you are saying you did  
22           attempt to obtain an exemplar what you  
23           took what you later discovered to be a  
24           newer notebook, but based on its  
25           condition at the time could well have

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1 A. LITZINGER

2 been an exemplar for the Pavilion DV6;

3 is that a fair summary of your answer?

4 A. Correct, it had potential,

5 but at the time we didn't know that.

6 Q. Okay. So other than

7 vouchering the 2019 HP notebook from

8 the fire scene, did you make any other

9 efforts to obtain an exemplar in

10 connection with your work in this

11 case?

12 A. We did not.

13 Q. Okay. When you made an  
14 examination of the cells that you  
15 excavated from the Marcellin notebook,  
16 what did you compare those cells to?

17 A. Typically 18650 -- what we  
18 knew at the time of 18650 cells.

19 Q. You were saying primarily?

20 A. Primarily size  
21 characteristics to confirm if it was  
22 an 18650 as well as what remained in  
23 those cells, and attempting to  
24 identify a potential cell  
25 manufacturer.

1                   A. LITZINGER

2                 Q.     So when you examined the  
3     cells you excavated you compared them  
4     to typical 18650s that you had on hand  
5     in the laboratory?

6                 A.     Not on hand. It would be  
7     obviously 18650s, you know, in the  
8     past we will say five to ten years  
9     have become a very big part of fire  
10   investigations. So with the knowledge  
11   that we have that's continually  
12   growing over the years we use that  
13   information to primarily -- and at  
14   that stage in the investigation would  
15   have been to just confirm are these  
16   18650s, and is there any identifying  
17   information that we can get off of it  
18   to confirm is it an HP product, we  
19   will say, or is it consistent with  
20   known HP products and/or is it not  
21   consistent.

22                Q.     Listening to your answer it  
23     sounds like you guys have dealt with a  
24     lot of 18650s, and so you are looking  
25     at the cells that you excavated and

1                   A. LITZINGER  
2       you are comparing it to, in your minds  
3       to what you know what an 18650s, the  
4       characteristics are based on your  
5       experience examining them many times  
6       in the past; is that accurate?

7                   A.      That's correct.

8                   Q.      Okay. I am just trying to  
9       figure out if you were literally  
10      looking at excavated cells in one hand  
11      and some other cell on the right, or  
12      if you are just looking at the  
13      excavated cell and saying, I have seen  
14      a million 18650s, this has the  
15      characteristics of an 18650s?

16                  A.      I guess you can say there  
17      was one of -- I believe the  
18      representative from HP did have what  
19      we will call a comparison 18650 just  
20      for size and shape. There are a few  
21      photographs where we have one that's  
22      just being compared for reference  
23      sake.

24                  Q.      So that would have been  
25      during the February exam, or would it

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1                   A. LITZINGER

2       have also been during the October,  
3       too?

4                   A.       Not the February exam. That  
5       would be not somewhere where we would  
6       do that type of work, but the cell  
7       review would be.

8                   Q.       Okay. So at the October  
9       exam you did have a physical, at least  
10      in comparison cell that HP brought  
11      just so you could see size and shape  
12      characteristics versus the excavated  
13      cells?

14                  A.       Correct, but it was not --  
15      it wasn't like a -- it was like out of  
16      a flashlight that he currently had  
17      with him. I believe it was the HP  
18      representative. I don't recall that  
19      part, but it wasn't a cell that HP  
20      gave him that would have been  
21      representative.

22                  Q.       Okay. So it was a typical  
23      18650 cell, and you were really using  
24      it just to make sure that the debris  
25      and the things that you were looking

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1                   A. LITZINGER  
2 at corresponded with the right size  
3 and diameter characteristics of a  
4 new-ish 18650 cell; fair to say?

5                   A.     Correct.

6                   Q.     Okay. Do you offer any  
7 opinion in your report as to what  
8 caused the failure of the Marcellin  
9 notebook?

10                  A.     No, that was outside of the  
11 scope of my investigation.

12                  Q.     Okay. So you don't identify  
13 the causes of the failure of the  
14 notebook; is that right?

15                  A.     That is correct.

16                  Q.     Okay. So you can't say for  
17 certain if it was the battery pack or  
18 something else?

19                  A.     When you say, something  
20 else, what do you mean by something  
21 else?

22                  Q.     Something else within the  
23 notebook.

24                  A.     That's correct. That would  
25 be under -- I would refer to

1                   A. LITZINGER

2     Dr. Martin on that one.

3     Q.     Okay. So you couldn't say  
4     if it was a battery pack or some other  
5     component of the notebook that failed  
6     because that was beyond the scope of  
7     your engagement?

8     A.     That's correct.

9     Q.     Okay. If you were trying to  
10    figure out what caused the failure of  
11    the notebook, what would you do?

12    A.     I would defer to someone  
13    such as Dr. Martin.

14    Q.     So that would not be  
15    something you would ordinarily do in  
16    connection with your investigations in  
17    a case like this?

18    A.     Correct.

19    Q.     Turning to page five of your  
20    report.

21    A.     Okay.

22    Q.     If you hold that page there,  
23    I actually have one or two other  
24    questions before we go back to the  
25    report.

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1 A. LITZINGER

2 Do you know, and can you  
3 state for the record the safety  
4 features of the Pavilion?

5 MR. SCHWARZ: Of the  
6 Pavilion, or of the  
7 battery pack?

8 MR. LEVITES: The  
9 Pavilion, which we are  
10 discussing as the model.  
11 Not the Marcellin  
12 notebook.

13 MR. SCHWARZ: I just  
14 wanted to specify, you are  
15 talking about the entire  
16 computer --

17 MR. LEVITES: The  
18 Pavilion DV6, the whole  
19 assembly, yes.

20 A. Safety features, I do not --  
21 I will defer to Dr. Martin on that  
22 one.

23 Q. In an investigation like  
24 this, the -- you wouldn't ordinarily  
25 look for the safety features of a

1                   A. LITZINGER

2     product like this, right, that  
3     wouldn't be part of your analysis?

4                   MR. SCHWARZ: Object to  
5                   the form of the question.

6                   He said he wouldn't do  
7                   this analysis. He would  
8                   defer to another expert to  
9                   do it, so I think it is an  
10                  unfair question to ask him  
11                  what he would do if he  
12                  says he wouldn't do that  
13                  type of analysis, but you  
14                  can answer.

15                  MR. LEVITES: I am just  
16                  trying to understand  
17                  generally.

18                  Q.     I understand that here  
19     Dr. Martin is the one who has reviewed  
20     the safety features of the Pavilion,  
21     and you are deferring to him to  
22     address that.

23                  My question to you is, in a  
24     typical case, would someone like  
25     Dr. Martin do that, or in another case

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1 A. LITZINGER

2 might you do that?

3 A. If it were a computer it  
4 would be Dr. Martin.

5 Q. Okay. So if you had another  
6 notebook computer case you wouldn't  
7 review the safety features of the  
8 notebook. You would defer to someone  
9 who is an expert in that area?

10 A. I would defer to him, yes,  
11 because he has more experience in this  
12 area than I do, correct.

13 Q. Did you review the notebook  
14 schematics for the Pavilion DV6 in  
15 this case?

16 A. I was not able to locate  
17 one.

18 Q. Did you review any other  
19 manufacturing documents?

20 A. No.

21 Q. I think we talked about this  
22 briefly, but this is a slightly  
23 different question. Did you do  
24 anything to try and determine who  
25 manufactured the battery pack that was

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1                   A. LITZINGER  
2       in Ms. Marcellin's notebook? You said  
3       you looked at some labels, and you  
4       looked at some attributes. Did you do  
5       anything else to try to figure out who  
6       made that?

7                   A. Outside of trying to do some  
8       Internet research without a receipt or  
9       where it was purchased from, it was  
10      not -- we were not able to find  
11      something to confirm it would be a  
12      match.

13                  Q. Do you know what the  
14       critical components of lithium-ion  
15       battery are?

16                  A. Off the top of my head, I am  
17       not familiar with that, no.

18                  Q. Okay. How does a cell  
19       typically -- what is the process of a  
20       cell going into thermal runaway, if  
21       you can describe that for me?

22                  A. I would defer to Dr. Martin  
23       on that one.

24                  Q. Because he is the lithium  
25       expert; fair to say?

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1                   A. LITZINGER

2                 A. Yes, he has more experience  
3                 with lithium-ion batteries, that's  
4                 correct.

5                 Q. Now, I think you kind of  
6                 answered this question before when you  
7                 said that failure analysis with  
8                 respect to the notebook computer, the  
9                 Marcellin notebook was beyond the  
10                scope of your analysis in this case,  
11                but I guess this is somewhat related.  
12                How did you rule out abuse of the  
13                notebook as a cause of the fire?

14                A. That would be something that  
15                Dr. Martin would have to discuss  
16                further.

17                Q. Okay. Is it fair to say the  
18                failure analysis -- you are going to  
19                defer to Dr. Martin with respect to  
20                the failure analysis of the notebook,  
21                and your domain is really the building  
22                and electrical system?

23                A. That's correct.

24                Q. Do you ever talk to the fire  
25                department in this case?

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1 A. LITZINGER

2 MR. SCHWARZ: You are  
3 talking about the fire  
4 investigator?

5 MR. LEVITES: Or anyone  
6 from the fire department.

7 MR. SCHWARZ: Okay.

8 A. I believe the local -- we  
9 refer to the fire department or  
10 anybody that's in the public sector as  
11 the local investigator. In this case  
12 the local investigator was at the  
13 joint scene exam to provide us kind of  
14 his -- the information that he had  
15 that he can provide to us in regards  
16 to fire suppression, and overhaul, and  
17 his part of the investigation prior to  
18 us being involved.

19 Q. Okay. And generally do you  
20 remember what the local investigator  
21 told you during that joint scene exam?

22 A. My recollection is that he  
23 put the area of origin as the, I  
24 believe it is referred to as the  
25 sewing room as the area of origin. He

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1                   A. LITZINGER  
2 did not say -- he was undetermined  
3 from my understanding, but he could  
4 not eliminate -- I think he was  
5 just -- he could not eliminate the  
6 subject laptop, Ms. Marcellin's  
7 notebook.

8                   Q.     Thank you for that. I know  
9 I am throwing around a lot of defined  
10 terms for you so I appreciate it.

11                  I am going to go back to  
12 page two of your report. You wrote  
13 that you were requested to write a  
14 report regarding the electrical  
15 system, and items collected as it  
16 relates to the electrical failure  
17 analysis as it pertains to the above  
18 caption fire loss. Did I read that  
19 right?

20                  A.     That is correct.

21                  Q.     What is electrical failure  
22 analysis?

23                  A.     In this instance it would  
24 have been the building's electrical  
25 system as a whole. Up to the --

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1                   A. LITZINGER  
2   essentially up to the laptop, the  
3   subject -- I apologize, we call the  
4   subject notebook. It is the Marcellin  
5   notebook.

6                   Q. That's okay. I think  
7   subject laptop is fine as well.  
8   Incident laptop, incident notebook. I  
9   am going to call it the Marcellin  
10   notebook, but I understand your  
11   meaning.

12                  So I think you answered my  
13   next question, which is, what do you  
14   mean when you refer to the electrical  
15   system? You are talking about the  
16   building electrical system up to the  
17   subject notebook; right?

18                  A. That is correct.

19                  Q. Okay. We briefly went over  
20   this on the next page, page three,  
21   second to last bullet references your  
22   review of the report by Dr. Martin.  
23   Just generally speaking, what is your  
24   understanding of Dr. Martin's  
25   conclusions?

1                   A. LITZINGER

2                 A.     That the -- my  
3     understanding -- I will do my best not  
4     to speak out of turn is that there was  
5     fail safes in the -- that would have  
6     prevented the -- at the time there  
7     were fail safes being used in industry  
8     that should have prevented the use of  
9     an aftermarket battery pack or could  
10    have been used.

11          Q.     Okay. You say here that you  
12    reviewed NFPA 921. Well, we know you  
13    were writing the '24 edition; right?

14          A.     That is correct.

15          Q.     You reference here  
16    Mr. Karasinski's origin and cause  
17    report. Same thing with Dr. Martin,  
18    could you just give me your general  
19    understanding of what Mr. Karasinski's  
20    conclusions were in that report?

21          A.     Again, paraphrasing,  
22    Mr. Karasinski puts the room of origin  
23    as what is referred to as the sewing  
24    room. The area of origin is at the HP  
25    Pavilion, the subject notebook. I

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1                   A. LITZINGER  
2 can't eliminate failure of that -- of  
3 the subject notebook to include its  
4 battery pack.

5                   Q. So based on everything you  
6 are telling me you restricted yourself  
7 to the electrical aspects of this  
8 case?

9                   A. That is correct.

10                  Q. And to be clear, the  
11 electrical aspects don't include the  
12 failure of the notebook, even though  
13 electricity may have been involved  
14 with that; is that fair to say?

15                  A. That is correct.

16                  Q. So you reference NFPA 921.  
17 I am going to read you one of the  
18 sections from 921 with which you may  
19 already be familiar, it is Section  
20 19.6.5.2. It states, "the  
21 investigator should remember that the  
22 fire cause is defined as the  
23 circumstances, conditions, or agencies  
24 that bring together a fuel ignition  
25 source, and oxidizers (such as air or

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1                           A. LITZINGER  
2 oxygen) resulting in a fire or  
3 combustion explosion. The  
4 identification of an ignition source  
5 and a first fuel is not sufficient to  
6 determine a cause. Determining a fire  
7 cause and ignition sequence requires  
8 that any proposed hypothesis include  
9 consideration of the relationship  
10 between the competency of the ignition  
11 source and the first fuel ignited.  
12 The investigator should determine if  
13 the proposed ignition source is a  
14 competent ignition source for the  
15 proposed first fuel ignited."

16                           I realize that was a longer  
17 statement, but having heard this  
18 statement from 19652, would you agree  
19 with that?

20                           A. Can you share that on the  
21 screen for me, please?

22                           Q. Absolutely. I am going to  
23 put this up in a blank document  
24 because I have pasted this into my  
25 notes, so if that's all right with you

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1 A. LITZINGER

2 I will do that. If you have the NFPA  
3 you can probably turn to the section  
4 if that's easier for you.

5 A. I do not have that with me  
6 at the moment.

7 Q. Can you see that?

8 A. Yes.

9 MR. SCHWARZ: This is  
10 your summary of that, or  
11 did someone type it?

12 MR. LEVITES: I copied  
13 and pasted it beginning  
14 with this quotation as a  
15 direct quote.

16 MR. SCHWARZ: That's  
17 from the causation  
18 chapter, Chapter 19;  
19 correct?

20 MR. LEVITES: Correct.  
21 This is the Subsection  
22 19.6.5.2.

23 MR. SCHWARZ: Right.  
24 And he has testified that  
25 was Mr. Karasinski's area

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1                   A. LITZINGER  
2                   of expertise in his  
3                   report; correct?

4                   MR. LEVITES: Was that  
5                   his testimony?

6                   MR. SCHWARZ: Yes, I  
7                   believe so. The cause and  
8                   origin investigation  
9                   report was  
10                  Mr. Karasinski's, and  
11                  Mr. Litzinger handled the  
12                  electrical system, which  
13                  is a different chapter, I  
14                  believe Chapter 6. Is  
15                  that correct,  
16                  Mr. Litzinger?

17                  THE WITNESS: That  
18                  would be correct.

19                  MR. SCHWARZ: I am just  
20                  going to preserve my -- I  
21                  don't have a chance to  
22                  review word for word this  
23                  that you are saying is --  
24                  I don't doubt that you did  
25                  that, but I just want to

1 A. LITZINGER

2 put an objection without  
3 looking at the actual --

4 MR. LEVITES:

5 Understood.

6 MR. SCHWARZ: -- 921  
7 document, and we are going  
8 to take this as your cut  
9 and paste from that  
10 document, and you are  
11 asking a question that is  
12 in Mr. Karasinski's  
13 expertise and report in  
14 this case and not  
15 Mr. Litzinger's, but with  
16 that objection, go ahead.

17 Q. Okay. So Mr. Litzinger, I  
18 have up here NFPA 921 Section  
19 19.6.5.2; do you see that?

20 A. Yes.

21 Q. Have you had an opportunity  
22 to review it?

23 A. I was -- give me one second.  
24 "According to NFPA 921 Section  
25 19.6.5.2, the investigator should

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1                   A. LITZINGER  
2 remember that the fire cause is  
3 defined as the circumstances,  
4 conditions, or agencies that bring  
5 together a fuel, ignition source, and  
6 oxidizer (such as air or oxygen)  
7 resulting in a fire or a combustion  
8 explosion (see 3.3.74). The  
9 identification of an ignition source  
10 and a first fuel is not sufficient to  
11 determine a cause. Determining a fire  
12 cause and ignition sequence requires  
13 that any proposed hypothesis include  
14 consideration of the relationship  
15 between the competency of the ignition  
16 source and the first fuel ignited.  
17 The investigator should determine if  
18 the proposed ignition source is a  
19 competent ignition source for the  
20 proposed first fuel ignited (see  
21 19.4.2)." Okay.

22                 Q. So my question is, do you  
23 agree with the statements that I put  
24 up on the screen there?

25                 A. Yes.

1                   A. LITZINGER

2                 Q.     What do you consider to be  
3     the first fuel for this fire?

4                 A.     That would be  
5     Mr. Karasinski's purview.

6                 Q.     So you didn't address the  
7     issue of the first fuel in your  
8     report; fair to say?

9                 A.     Correct.

10                Q.     I am going to turn to page  
11     17.

12                   MR. SCHWARZ: Of this  
13     report again?

14                   MR. LEVITES: Correct.

15                   MR. SCHWARZ: Thank  
16     you.

17                 Q.     Are you there,  
18     Mr. Litzinger?

19                 A.     I am, yes.

20                 Q.     You state in your conclusion  
21     in the -- I am trying to figure out  
22     where I took this from. I apologize.  
23     It is the first full paragraph there.  
24     It is in the middle of the paragraph,  
25     the line that begins with the word,

1 A. LITZINGER

2 consultant; do you see that?

3 A. "It is the forensic-based  
4 opinion of this forensic electrical  
5 consultant"?

6 Q. Correct.

7 A. Okay.

8 Q. So you go on to opine there  
9 that the only item that cannot be  
10 eliminated at this time is a failure  
11 within the HP Pavilion laptop;  
12 therefore, the fire was caused by a  
13 failure of the HP Pavilion laptop to  
14 include the battery system.

15 We will go through the other  
16 aspects of your report, but I was  
17 hoping you can give me a general  
18 discussion of how you determined that  
19 the laptop was the cause of the fire?

20 A. From an electrical  
21 standpoint that was based off of my  
22 evaluation of the building's  
23 electrical system as well as the --  
24 the building's electrical system as  
25 well as the evidence that was

1                   A. LITZINGER  
2   inspected post joint collection. The  
3   only available -- electrically the  
4   only other device would have been the  
5   subject notebook.

6                 Q. I think we talked about the  
7   first fuel issue, but having no  
8   opinion on what the first fuel is, is  
9   it fair to say you have no opinion on  
10   how the laptop caused the ignition of  
11   the first fuel?

12          A. That's correct.

13          Q. So you said that you  
14   determined the laptop was the cause of  
15   fire by looking at the building  
16   electrical system from an electrical  
17   standpoint, the evidence that was  
18   inspected after the joint collection,  
19   is there any other evidence that you  
20   looked at to arrive at that  
21   conclusion?

22          A. Yeah, that is correct.

23          Q. The cause of the fire you  
24   did determine was the failure of  
25   Ms. Marcellin's notebook; right?

1 A. LITZINGER

2 A. That's the only thing I  
3 cannot eliminate electrically,  
4 correct.

5 Q. But you couldn't determine  
6 which of several possible causes could  
7 have caused her computer to fail? I  
8 apologize for using the word cause,  
9 like, three times but hopefully you  
10 understood my question.

11 A. Not a problem. That would  
12 have been outside of my scope. I  
13 would refer to Dr. Martin in that  
14 regard.

15 Q. Okay. I would like to go to  
16 page six of your report.

17 A. Okay.

18 Q. Now, you have a discussion  
19 here of circuit breaker number four;  
20 do you see that?

21 A. Yes.

22 Q. So it says, "the main  
23 circuit breaker as well as circuit  
24 breaker number four were documented in  
25 the off position." My question is, do

1                   A. LITZINGER

2       you know why the main circuit breaker  
3       was in the off position?

4                   A.     Typically the main circuit  
5       breaker, the local fire department --  
6       it varies from fire department to fire  
7       department. Some fire departments are  
8       trained to only turn off the main.  
9       Other fire departments will go in and  
10      will turn off every circuit breaker in  
11      the panel.

12                  Based on our observations it  
13      would be that the fire department  
14      turned it off. As this part of the  
15      building was not directly impacted by  
16      fire, there would have been no reason  
17      for that circuit breaker to have  
18      activated.

19                  Q.     Okay. That's why the main  
20      circuit breaker was off. Do you know  
21      why circuit breaker four was in the  
22      off position?

23                  A.     Circuit breaker number four,  
24      we do not know. It was not -- we were  
25      not able to determine what that

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1 A. LITZINGER

2 circuit breaker was for.

3 This was an older style  
4 panel. Typically circuit breakers --  
5 not typically, different manufacturers  
6 of circuit breakers trip different  
7 positions. Some trip to center, some  
8 trip to off. Some have indicator  
9 windows. In this particular  
10 circumstance, I do not know if these  
11 style breakers do trip to off or not.

12 The only condition --

13 Q. I may be able to --

14 MR. SCHWARZ: I'm  
15 sorry, I didn't catch the  
16 end of his testimony, and  
17 I don't think the court  
18 reporter did either, the  
19 last sentence, because I  
20 think you over spoke him.

21 Q. I apologize, Mr. Litzinger.

22 Can you repeat the last sentence for  
23 Ms. Linzer?

24 A. Absolutely. I do not know  
25 if this -- these breakers trip to off

1                   A. LITZINGER

2   or to trip to center. I don't have  
3   that information.

4                 Q. Mr. Litzinger, I may be able  
5   to assist with some technology here.  
6   I am just pulling up your report. Can  
7   you see that?

8                 A. Yes, I can.

9                 Q. I am going to try and blow  
10 up this picture here. Do you see  
11 this? I have blown up the panel here;  
12 do you see that?

13                A. Mm-hmm, that's correct.

14                Q. Do you see the text on the  
15 left side of the panel?

16               A. Yes, I do.

17               Q. Is it says, "when breaker  
18 trips, handle moves to off position."

19               A. Yes.

20               Q. Okay. So with that  
21 information, does that give you any  
22 additional information with respect to  
23 why circuit breaker number four would  
24 have been in the off position?

25               A. Without examining the

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1                   A. LITZINGER  
2 circuit breaker itself I would not be  
3 able to give you that answer. We  
4 would have to do X-rays in order to  
5 look at the positions of the internal  
6 context to give a definitive answer.

7                   Because the circuit breaker  
8 trips to the off position, whether it  
9 was bumped off by a firefighter or was  
10 off due to an electrical event, there  
11 would be further analysis of that  
12 circuit breaker that would be needed.

13                 Q. Do you do any further  
14 analysis of that circuit breaker?

15                 A. Not on that circuit breaker,  
16 no.

17                 Q. In this picture it is the  
18 only individual breaker handle that's  
19 moved to the off position; right?

20                 A. That's correct.

21                 Q. You mentioned that it could  
22 have been bumped off by a local  
23 investigator, and it could have been  
24 tripped by an electrical event. Is  
25 there any other way that it could have

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1 A. LITZINGER

2 been in the off position?

3 A. Circuit breakers can  
4 effectively trip due to heat, thermal  
5 impacts as well. In this particular  
6 case, the evidence did not support  
7 that that was the case.

8 Q. Okay. So it probably would  
9 have been in either the local  
10 firefighters, or local investigators  
11 rather, or an electrical event?

12 A. That is correct.

13 Q. Okay. I am going to direct  
14 your attention to the figure five,  
15 which is directly below the one we  
16 have been talking about.

17 A. Yes.

18 Q. You will see there that you  
19 state, "figure five depicts the  
20 receptacle on the C wall of the room  
21 of origin that the laptop was reported  
22 to be plugged into at the time of the  
23 incident." Did I read that right?

24 A. Yes, that's correct.

25 Q. Okay. So when you observed

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1 A. LITZINGER

2 it, it was unplugged?

3 A. That's correct.

4 Q. Do you know who unplugged  
5 it?

6 A. I do not know who unplugged  
7 it.

8 Q. So do you know if it was  
9 plugged in at the time of the fire?

10 A. It was reported to have been  
11 plugged in at the time of the fire,  
12 that's correct.

13 Q. Who reported that it was  
14 plugged in at the time of the fire?

15 A. I would have to review my  
16 notes for that information.

17 MR. SCHWARZ: We have  
18 been going another hour.

19 If you want to take a  
20 break?

21 MR. LEVITES: Yes, this  
22 is a good time to take a  
23 break. Maybe we come back  
24 at 12:20, unless you want  
25 to do a longer one now for

Page 123

1 A. LITZINGER

2 lunch or whatever?

3 THE WITNESS: That

4 would be good for me if

5 that works for you guys.

6 MR. SCHWARZ: What time

7 do you need to eat, Andy?

8 THE WITNESS: Can we do

9 20 minutes instead of 10?

10 MR. LEVITES: Sure.

11 Why don't we do 25, and we

12 will come back on at

13 12:40.

14 MR. SCHWARZ: Sounds

15 good.

16 THE WITNESS: Thank you

17 very much.

18 (Whereupon, a short

19 break was taken at this

20 time.)

21 Q. I think we were at page

22 seven of your report, Mr. Litzinger,

23 before we broke. You have that in

24 front of you?

25 A. Yes.

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1 A. LITZINGER

2 Q. Okay. So you state here, it  
3 is the third full sentence below  
4 figure six, it says, "the laptop was  
5 connected to the wall receptacle  
6 through a charger"; do you see that?

7 A. That's correct.

8 Q. But you did state earlier it  
9 was not connected to the wall  
10 receptacle during your survey of the  
11 room; right?

12 A. That's correct.

13 Q. Okay. You say, moving to  
14 the next page, which is page eight --

15 A. Okay.

16 Q. You say here concerning your  
17 joint laboratory analysis that the  
18 batteries, you noted the three vent  
19 holes to the five vent holes.

20 We talked about that before,  
21 but you note it here in your report as  
22 well. I'm asking what is the  
23 significance of this -- in this  
24 section of your report, the different  
25 end caps?

1 A. LITZINGER

2 A. That would indicate that  
3 there are different cells being used  
4 in the battery pack.

5 Q. Okay. So looking -- if they  
6 were authentic you would expect them  
7 to all have the same end caps; is that  
8 right?

9 A. That is correct.

10 Q. Looking at figure F here,  
11 these were the end cap cells that were  
12 recovered from the scene; right?

13 A. That is correct.

14 Q. These ones did not go in the  
15 thermal runaway?

16 A. I don't have that answer. I  
17 would refer to Dr. Martin's review of  
18 those battery cells.

19 Q. So you didn't do anything in  
20 particular to review the cells in F?

21 A. Not in regards to an  
22 internal failure or thermal runaway  
23 event.

24 Q. Okay. Did you do anything  
25 else to test the cells in F?

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1 A. LITZINGER

2 A. I did not, no.

3 Q. Did you collect any other  
4 battery cells?

5 A. What we refer to as the can,  
6 we did find a couple of cans in the  
7 room as well.

8 Q. Did you -- you inspected  
9 those cells that you collected  
10 relative to the cans?

11 A. Yes, I documented those.

12 Q. Is it your opinion that the  
13 cells in F caused the fire?

14 A. That was outside of the  
15 scope of my investigation. I don't  
16 have an opinion on that.

17 Q. Do you have an opinion as to  
18 whether the cells that were recovered  
19 from site F was where the fire  
20 started?

21 A. I'm sorry, can you repeat  
22 that?

23 Q. Do you have any opinion as  
24 to whether the cells recovered from  
25 site F was the location -- or if site

Page 127

1 A. LITZINGER

2 F was the site at which the fire  
3 started?

4 A. I have to refer to my  
5 diagram to see where F is located. I  
6 believe these were -- item number one  
7 is a collection of, I would call it  
8 cell debris from within the room.  
9 That's where those -- that got that  
10 nomenclature.

11 Q. Okay.

12 A. We got that early on to  
13 prevent any damage, to limit damage,  
14 so these were the first items  
15 collected and documented. Let me look  
16 at my diagram real quick to see where  
17 F is.

18 Q. I can put it up for you and  
19 blow it up for you here. It is page  
20 five of the report for the record.  
21 This is Exhibit 1 again. I am going  
22 to blow up figure three on page five,  
23 which is the diagram and evidence  
24 locations that we have been talking  
25 about.

1 A. LITZINGER

2 So can you see that a little  
3 better on the screen here?

4 A. Yes, I can.

5 Q. Okay. So my question for  
6 you is, you can see F now on this  
7 picture on the right?

8 A. Yes, I can.

9 Q. And you can see F on the  
10 diagram that's to the left?

11 A. Yes.

12 Q. Okay. So we just looked at  
13 on the page below, we just looked at  
14 the cells that were recovered from F  
15 on this diagram; right?

16 A. Yes.

17 Q. So having looked at the  
18 cells and this photograph, my question  
19 is, is it your opinion that the fire  
20 started in F where those cells were  
21 recovered?

22 A. As far as fire origin I  
23 would defer to Jason Karasinski.

24 Q. Okay. So you don't know if  
25 the cells that landed at F, if the

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1 A. LITZINGER

2 fire started there?

3 A. Again, I don't have an  
4 opinion on that.

5 Q. Okay. If you can go back  
6 to -- I am going to leave this up  
7 because I am going to ask another  
8 question about the diagram. If you  
9 can go back to page seven of your  
10 report.

11 A. Okay.

12 Q. You will see there is an  
13 item that's H. It is not really  
14 clear. I can tell what the other  
15 debris items are, but I can't really  
16 make heads or tails of what item H is.  
17 Can you tell from this picture?

18 A. So I am looking back at page  
19 eight, figure seven.

20 Q. Thank you. I apologize.

21 A. That's fine. H is -- based  
22 on the photograph appears to be  
23 internal battery components that were  
24 fused to carpet.

25 Q. Do you have any opinion as

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1                   A. LITZINGER

2       to whether this, the fire would have  
3       started in H on this diagram?

4                   A.     I don't have an opinion on  
5       that. I would defer to Jason  
6       Karasinski.

7                   Q.     Does it look like the fire  
8       started in H just as a laymen? I am  
9       looking at F and H, and they look less  
10      charred than the sites around them.

11                  A.     Once again, I cannot offer  
12      an opinion on that. I would defer to  
13      Jason Karasinski.

14                  Q.     Setting aside technical  
15      opinion as to where the fire started,  
16      would you agree with me that the area  
17      around F and H in figure three in your  
18      report appear to be burned in some  
19      other areas of this carpet?

20                  A.     I think that the purpose of  
21      this diagram was not to show burn  
22      patterns. Just to show locations  
23      where things were collected. There  
24      are varying degrees of burning of the  
25      carpet within the room, but I can't

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1 A. LITZINGER

2 offer a good opinion as far as origin  
3 is concerned and burn patterns.

4 Q. Okay. And then if we look  
5 at page eight of your report you  
6 stated that -- excuse me. Figure  
7 eight on page nine, so moving to the  
8 next page now.

9 A. Okay.

10 Q. So figure eight page nine  
11 you stated that the debris you  
12 collected from the hallway had been  
13 moved from the closet during fire  
14 suppression and overhaul. What did  
15 you mean by that?

16 A. So it was reported to us by  
17 the local investigator that the  
18 fire -- the responding fire department  
19 removed debris from the closet area  
20 into the hallway during their, what I  
21 would call their suppression efforts.

22 So fire suppression is  
23 obviously the act of putting out the  
24 fire, and then overhaul is a term we  
25 use to describe -- the fire department

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1                           A. LITZINGER  
2       will look for extension, or any type  
3       of -- they want to make sure that the  
4       fire is out. If there is a fire in  
5       the closet they are going to pull  
6       everything out of the closet, and  
7       essentially soak it down to make sure  
8       we don't have either -- that the fire  
9       is out or they don't have what is  
10      called a recon built, which means a  
11      fire is started -- we will call it a  
12      secondary fire, they just didn't maybe  
13      get it all at their initial attack.

14                  Q. Okay. So based on the  
15      reports of the local investigators --  
16      it is based on the report of the local  
17      investigators that you concluded that  
18      this was what was in the closet at the  
19      time of the fire; fair to say?

20                  A. Correct.

21                  Q. Okay. So the first item  
22      from the hall closet was the heated  
23      blanket and LED lamp remains; do you  
24      see that?

25                  A. Yes. You are referring to

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1 A. LITZINGER

2 figure nine; correct?

3 Q. Correct. And the -- excuse  
4 me, I believe it is figure eight, the  
5 LED lamp.

6 A. Yes, so there were -- so the  
7 hall debris was collected in two  
8 portions. Essentially what we did is  
9 we split the -- I will call it a pile  
10 because it was kind of strewn about, I  
11 will say about a four- to six-foot  
12 area. We split that in half, and what  
13 we did is actually cut the carpet and  
14 roll the debris in the carpet, and  
15 then secured that so nothing was lost.

16 Q. Okay. So what we are  
17 looking at in figure eight, is that  
18 believed to be the remains of the LED  
19 lamp, or is it the heated blanket, or  
20 both?

21 A. Figure eight would be LED  
22 lamp. So one part of the hallway  
23 debris roll up was item number two,  
24 and then item number three was  
25 collected as a separate piece of

1                   A. LITZINGER

2 evidence, which also was the other  
3 part of that hallway debris.

4                   So in item two we -- the  
5 electrical items that were collected  
6 out of that were these two lamp  
7 remains.

8                   Then item three, which is in  
9 figure nine, had another lamp as well  
10 as a heated blanket.

11                  Q. Okay. So looking first at  
12 the LED lamp in figure number eight,  
13 would you say the lamp has thermal  
14 damage?

15                  A. Yes, it does appear that  
16 there is thermal damage to it.

17                  Q. Okay. But you forensically  
18 eliminated it; right?

19                  A. That's correct.

20                  Q. How were you able to do  
21 that?

22                  A. First there was no light in  
23 the closet, so nowhere for that to be  
24 plugged into. If there is nothing for  
25 it to be plugged into that means there

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1                   A. LITZINGER

2     is no electrical energy for it to  
3     fail.

4                   This particular lamp did not  
5     have any kind of battery in it, so  
6     without a power source it wouldn't  
7     have had any energy to have a failure.

8                   Also, that was stored in  
9     the -- so that right there gives us  
10    that information how we can eliminate  
11    it, but there were no other signs of  
12    failure of those lamps either.

13          Q.     So what are the signs of  
14    failure that you would look for?

15          A.     In this particular lamp, one  
16    of the things we would look for is you  
17    can see in there there is some -- the  
18    brown, they look like brown packets,  
19    those are capacitors. So we would  
20    look for signs that the capacitors had  
21    any kind of failure, and that is a  
22    variety of things. We would be  
23    looking for if it looks swelled,  
24    cracking, if one of them shows signs  
25    of higher damage than the others.

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1 A. LITZINGER

2 I believe looking at that  
3 photo there are two to three, I have  
4 in other photos I have to look at, but  
5 that's from a component standpoint,  
6 but then also what you would be  
7 looking at is there are two other ways  
8 to look for failures. One of those is  
9 on the side in an intact lamp remains  
10 you wouldn't notice this, but there is  
11 a small, I will call it a weak spot.  
12 That is a vent -- it is actually  
13 designed as a vent.

14 So lamps have thermal  
15 protection in them, and different LEDs  
16 have -- some lamps are not designed to  
17 be inverted or base up, so that can  
18 cause -- you can see issues manifest  
19 there in their thermal protection.  
20 That could have a failure which could  
21 cause a thermal event.

22 If that vent opens due to a  
23 thermal event, so basically if you  
24 have a failure it will shoot hot  
25 gasses and things like that out,

1                           A. LITZINGER  
2 depending what the components are  
3 inside, and those can indicate that  
4 that lamp went into thermal runaway of  
5 some kind.

6                           Another area that I would be  
7 looking at would be what is called the  
8 COB or chip on board. It is typical  
9 with these types of lamps to have your  
10 LED, the driver, and the biasing  
11 resistor. There has to be, I believe  
12 it is a four -- I might be off on the  
13 number, but there is a certain  
14 resistance value that you are supposed  
15 to have in conjunction with your LED  
16 for appropriate what is called  
17 biasing, basically so the light turns  
18 on.

19                           So we would look at those to  
20 see if there is any localized heating  
21 and/or damaged surrounding that chip  
22 on board. In this one I don't recall  
23 how many chips on boards, but  
24 typically there is more than one on a  
25 lamp such as this.

1                   A. LITZINGER

2                 Q. So you didn't see any damage  
3 to the chip on board?

4                 A. Correct.

5                 Q. And then, I guess, the chip  
6 on board, is it fair to say that this  
7 is the -- that this is the green chip  
8 that's in the foreground of the photo  
9 on the right of the two lamps just  
10 below, I guess -- I will put it up on  
11 my screen so you can see what I am  
12 talking about.

13                   What I am circling here on  
14 my mouse, is that the chip on board,  
15 this green thing here?

16                 A. Can you zoom in more? I  
17 don't believe -- that does not appear  
18 from right here.

19                 Q. This photo might not show  
20 it. It might be on the reverse?

21                 A. No, that appears -- that may  
22 be --

23                 Q. This little thing right here  
24 (indicating)?

25                 A. That could be another

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1 A. LITZINGER

2 smaller capacitor used for filtering.

3 I am not sure. I would have to look  
4 at that a little closer, but the  
5 chip -- that would be what is in the  
6 base of the lamp so the other side  
7 would produce the light.

8 Q. So the other side would have  
9 the chip?

10 A. Yes. And you can see it a  
11 little better in figure nine on that  
12 other lamp that was collected.

13 Q. That's this one? This is  
14 the chip on board?

15 A. So the chip on board --  
16 there are various shapes and sizes. I  
17 apologize, it looks like when this was  
18 made into a PDF it degraded the photo  
19 a little bit, but chip on board would  
20 be typically square in nature with a  
21 circle on it. Often times that circle  
22 would be yellow in appearance, which  
23 is the phosphor coding of the light  
24 which gives it its color temperature.  
25 That's what you would be looking for.

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1                   A. LITZINGER

2                   So that would be -- this one  
3        does have thermal damage to it, but it  
4        doesn't exhibit any signs either of a  
5        potential failure.

6                   Q.     That's helpful. So what  
7        would you see if there were signs of  
8        thermal -- in this photo that we are  
9        looking at of the blow up of figure  
10      nine here, what should we be looking  
11      for if this was -- if there were signs  
12      of failure?

13                  A.     So you would be looking for  
14      very localized failure. If we are  
15      talking about a chip on board failure  
16      we would be looking for a lot more  
17      localized damage that you wouldn't see  
18      on other chip on boards.

19                  Like I said, typically there  
20      are multiple COBs in -- on these lamps  
21      because one light is -- if you have  
22      one chip on board it is typically for  
23      a flashlight or something like that.  
24      You don't want that in your house  
25      because that would shine a giant

1                   A. LITZINGER

2     spotlight on the floor, and that  
3     doesn't help anybody.

4                   These will typically have  
5     multiple COBs that will have a wider  
6     angle of light transmission, so you  
7     would be looking for those to see if  
8     one of them has more localized damage  
9     to help indicate a failure of a COB.

10                  Now, conversely there are  
11     obviously electronics on the other  
12     side, as we previously talked about in  
13     figure eight, we would be looking for  
14     other evidence such as that vent hole  
15     to indicate that we have a thermal  
16     runaway event, or we would be looking  
17     for a failed component on the other  
18     side.

19                  Q.     So I'm looking at this more  
20     closely. So this that we are looking  
21     at on the left side of figure nine, is  
22     this a single chip on board, and then  
23     you can see the yellow patina of the  
24     phosphor?

25                  A.     No, you are looking at the

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1 A. LITZINGER

2 entire circuit board, so they are  
3 actually small --

4 Q. Is it like this little dot  
5 right here (indicating)?

6 A. That could be one example  
7 that I unfortunately -- the photo is  
8 not high enough resolution, I  
9 apologize.

10 Q. So there are multiple chips  
11 on board on what we are looking at in  
12 figure nine?

13 A. Correct.

14 Q. And if this had failed,  
15 would you expect the whole thing to be  
16 blackened? I am just trying to  
17 visualize if we were to look at a  
18 failed version right here, what would  
19 it look like?

20 A. It is a lot more -- we would  
21 be looking -- sometimes they look a  
22 little different than others. Like I  
23 said, it is a very each case dependent  
24 because you can see signs of arc  
25 tracking on the circuit board, but you

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1                   A. LITZINGER  
2 will see a localized area of damage.  
3 Where here in this case we see the  
4 area of damage is consistent across  
5 the entire circuit board.  
6 Furthermore, there is actually the  
7 dome, the plastic dome, that is  
8 also -- you are seeing melted remains  
9 of that as well.

10          Q. That's the blackened rim  
11 around here that I am circling with my  
12 mouse?

13          A. I believe that's correct.  
14 You are seeing the charred plastic.  
15 You are in some of what I am trying to  
16 explain to you.

17          Q. That's helpful.

18                   Now, is this next image, is  
19 this what is believed to be the heated  
20 blanket?

21          A. Yes.

22          Q. I think your answer is  
23 probably going to be similar in  
24 respect to the lamp, but this has  
25 thermal damage, too; right?

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1 A. LITZINGER

2 A. Correct.

3 Q. But you were also able to  
4 forensically eliminate this as a  
5 potential cause?

6 A. That's correct.

7 Q. Am I to take it that you  
8 eliminated this on a similar basis as  
9 to the lamps in that there was no  
10 obvious sign of -- there was no  
11 obvious place for it to be plugged in?

12 A. Well, in addition to there  
13 is no place for it to be plugged in,  
14 when we inspect -- so one, it is  
15 folded up so it is in a stored  
16 condition.

17 Secondly, in the bottom  
18 right of that photo you can see the  
19 plug end of it, so that's where it  
20 would plug into an extension cord, or  
21 even the wall receptacle. So that did  
22 not show what we would call protected  
23 area.

24 A lot of times what happens  
25 is when something is plugged in you

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1                   A. LITZINGER  
2       will see a protected area, not only on  
3       the receptacle or the -- whatever it  
4       is plugged into you will see a  
5       protected end. This also -- this plug  
6       end does not show protected area as  
7       well. It shows heat and smoke damage.

8                   Q.     Okay. That makes sense.

9                   I am going to turn to page  
10      ten, which is the next page. I am  
11      looking at figure ten. You stated the  
12      item in figure ten couldn't be  
13      identified. My question is, how were  
14      you able to rule it out then if you  
15      didn't know what it was?

16                  A.     So based on our -- my  
17      inspection of the device, it was not  
18      battery operated. It was a  
19      plug-operated device. Having nowhere  
20      for that to get plugged into, there  
21      were no receptacles in the room that  
22      showed other than the C wall, which  
23      didn't have a lot of smoke deposition,  
24      but the receptacle closest to the  
25      closet did not show any protected

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1                   A. LITZINGER  
2 areas indicating anything was plugged  
3 in. So having nothing plugged in  
4 there, or having nowhere -- no way to  
5 plug it inside the closet we can make  
6 that determination.

7                 Q. Okay. Yeah, that's helpful  
8 because your report mentions that  
9 there were no receptacles in the  
10 closet that could have provided power,  
11 but my next question is, what about  
12 battery? You stated that this was  
13 not -- you ruled out that it was a  
14 battery-powered device. It was a  
15 corded device; right?

16               A. Correct.

17               Q. But that's not in your  
18 report?

19               A. It is not in that -- you are  
20 right. That's correct.

21               Q. So maybe you can -- I mean,  
22 is it even possible to tell -- I can  
23 see some kind of frayed cabling it  
24 looks like. Is that what you looked  
25 at and determined it was corded? It

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1                   A. LITZINGER

2   is kind of frayed wires sticking out  
3   of the foreground, they are green,  
4   twisted wires.

5                 A. Unfortunately you are  
6   looking at one photo of many photos.

7   I wasn't just using this photo to help  
8   make that determination. It was all  
9   of my documentation.

10          Q. Okay. But I guess does this  
11   photo depict what you think is the  
12   plug end, I guess?

13          A. I can't tell from this  
14   photo, no.

15          Q. Now, figure 11 depicts two  
16   smoke detectors that you recovered  
17   from the scene; right?

18          A. That is correct.

19          Q. What about the smoke  
20   detectors in figure 11 makes you think  
21   that they were both activated?

22          A. Based on Ms. Marcellin's  
23   interview and testimony as well as the  
24   soot conglomeration on the smoke  
25   detectors.

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1 A. LITZINGER

2 Q. If you can tell me more  
3 about the soot conglomeration on the  
4 smoke detectors, if you can explain to  
5 me what to look for in these pictures?

6 A. Once again it is not just  
7 the -- these are just the  
8 representative --

9 Q. I understand you have other  
10 photographs, but you examined in  
11 person, too?

12 A. Correct. What you would be  
13 looking for to see if it activated, it  
14 will almost look like sort of  
15 concentric rings. And what that is is  
16 as the alarm is going off, or the  
17 sound device is operating it will  
18 actually in certain areas will -- you  
19 won't get soot deposition as a result  
20 of a smoke condition or something of  
21 that nature. You will actually see  
22 those rings, which will help you  
23 determine whether or not they  
24 activated or not.

25 Q. Okay. So I kind of see the

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1                   A. LITZINGER  
2       rings on the one on the right, but I  
3       don't really see the rings on the one  
4       on the left. Is that because of the  
5       nature of the photograph? Would I see  
6       it on the flip side of this one on the  
7       left?

8                   A.     I think it is the nature of  
9       the photograph.

10          Q.     Okay. I see there is  
11       Duracell battery next to each of these  
12       two smoke detectors. Were they both  
13       battery powered? Both hard wired with  
14       a battery back up? Some combination  
15       of the two?

16          A.     I believe they were battery  
17       operated.

18          Q.     Okay. If you know, what did  
19       the building codes require back in  
20       2020 for smoke detectors like this?

21          A.     So it wouldn't be based on  
22       the 2020 building code. It would have  
23       gone back to when it was manufactured.  
24       I don't recall when it was built, and  
25       what the code requirements would have

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1 A. LITZINGER

2 been at that time.

3 Q. I am going on to the next  
4 page, figure 14, page 11. We have  
5 photographs of the charger.

6 A. Yes.

7 Q. You stated that the charger  
8 was forensically eliminated. So my  
9 question is, we looked at your opinion  
10 where you stated that the HP Pavilion,  
11 including the battery, failed. My  
12 question is, reading this I read this  
13 to exclude the charger from that  
14 opinion; is that fair?

15 A. Yes, that's correct.

16 Q. Okay.

17 MR. SCHWARZ: I'm sorry  
18 can you clarify, you mean  
19 that the charger failed;  
20 is what you meant by that?  
21 Eliminated that the  
22 charger failed?

23 MR. LEVITES: Yes,  
24 absolutely. His opinion  
25 was that the HP Pavilion,

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1                   A. LITZINGER  
2                   including the battery,  
3                   failed. I am asking based  
4                   on this, is the charger  
5                   excluded from that  
6                   opinion, and his answer is  
7                   yes, I believe.

8                   Q. Right, Mr. Litzinger?

9                   A. That's correct.

10                  Q. Okay. Is there any evidence  
11                  in these photographs, and again, I  
12                  understand the limitations of these is  
13                  for the -- it was illustrative  
14                  photographs, but is there any evidence  
15                  in these photographs, or that you can  
16                  describe to me from your examination  
17                  that this charger was in fact plugged  
18                  in? Like, is there anything we can  
19                  look for in these photographs?

20                  A. So looking at, if you want  
21                  to bring up figure 14, the plug  
22                  itself, or the plug end. I realize  
23                  these photos could have been lightened  
24                  up a little bit, but --

25                  Q. Not a problem.

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1 A. LITZINGER

2 A. It actually looks better on  
3 your screen than it does on the  
4 printed copy.

5 Q. How is that?

6 A. Can you zoom in a little bit  
7 more, please? Perfect.

8 So to show that this was  
9 plugged in, what you can see here is  
10 that the plug blades are a lot shinier  
11 so there is not a lot of soot  
12 conglomeration on there, if you will.  
13 You can also see that there does  
14 appear to be a bit of a protected area  
15 on the face where the plugs go into  
16 the, what we call the plug face on  
17 this end. So this area does appear to  
18 show a protected area that if this  
19 wasn't plugged in you may see -- we  
20 expect to see more sooting.

21 Q. I am going to try, if I can  
22 manage it, let's see if I can draw a  
23 square. Bear with me. I believe I  
24 know what you are talking about, but I  
25 want to make sure that we have it for

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1 A. LITZINGER

2 later in the case.

3 Is this the protected area  
4 you were just talking about that I  
5 draw in the red rectangle?

6 A. If you make it the whole  
7 face as you will.

8 Q. Like that (indicating)?

9 A. So you have the plug blades  
10 highlighted, so those plug blades  
11 go -- see where they meet the plastic  
12 housing?

13 Q. Over here where they --

14 A. Yes, but the plug face as a  
15 whole. It is going to be hard to do  
16 with a box.

17 Q. That's fine. Maybe an  
18 arrow?

19 A. Sure. Whatever works for  
20 you.

21 Q. Is that clear where the  
22 arrow is pointing?

23 A. Like I said, it is that  
24 whole plug face where the ground lug  
25 as well as the neutral blades go into,

1 A. LITZINGER

2 that flat surface.

3 Q. It is really we are looking  
4 at the protected areas shown in both  
5 of these areas, by both of these  
6 arrows, indicated by these two arrows  
7 drawn in red?

8 A. Yes, but if you are  
9 indicating what I will call a plug  
10 face, yes. The areas that those meet,  
11 which is a lot more expansive than  
12 what you are talking about there  
13 showed signs of protection.

14 Q. Okay. I understand you mean  
15 the reverse of the -- for the circular  
16 blade is going to go all the way  
17 around, and for these two flat plug  
18 blades the reverse is going to show  
19 the same. I am just trying to  
20 indicate with these arrows so we know  
21 we are talking about the same.

22 A. It is not limited just where  
23 they meet the flat portion of the  
24 plug.

25 Q. Okay.

1 A. LITZINGER

2 A. The whole plug area. That's  
3 all I am trying to make sure.

4 Q. So the whole plug to you  
5 shows signs of protection; is that  
6 fair?

7 A. The plug face.

8 Q. So I could also fairly draw  
9 this circle and say that everything  
10 within this square shows signs of  
11 protection to you?

12 A. Yes, yes.

13 Q. Okay.

14 A. Using the other -- the  
15 heated blanket plug that we talked  
16 about in figure nine, you can see that  
17 as an example, that one would show  
18 that that does not have a protected  
19 area.

20 Q. I am now drawing a circle  
21 over the plug blade in nine.

22 A. That's correct.

23 Q. So you are saying the blades  
24 are more tarnished looking; is that  
25 it?

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1                   A. LITZINGER

2                   A. Yes.

3                   Q. Okay. The face of both is  
4 the same, so that's not -- I can see  
5 the difference in the blades that you  
6 are describing.

7                   A. The face of the heated  
8 blanket plug would appear to be white,  
9 not black as in the case of the  
10 charger.

11                  Q. Okay. That makes sense.

12                  So we have drawn squares and  
13 the arrows to indicate the areas of  
14 protection. Was there -- would you  
15 expect the charger itself to be more  
16 damaged if it was plugged in during an  
17 overcharge or overvoltage event? When  
18 I say the charger I mean the entire  
19 assembly from the plug ends that go  
20 into the receptacle, the converter all  
21 the way to the plug end into the  
22 notebook.

23                  So my question is, would you  
24 expect that assembly to be more  
25 damaged if it was plugged in during an

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1                   A. LITZINGER

2 overcharge, overvoltage scenario?

3                   A. An over -- when you say

4 overvoltage, what do you mean by that?

5                   Q. Maybe I am being an exact

6 because I have read too many of these

7 reports. I will be -- I will take it

8 back to a bigger level generality.

9                   If this was plugged in

10 during an electrical event with the

11 notebook, would you expect the

12 charger, the whole charger assembly to

13 show more damage than is depicted in

14 this photograph or no?

15                   MR. SCHWARZ: Objection

16                   to the form of the

17                   question. You can answer.

18                   A. So I guess overvoltage can

19 mean a lot of things, and that's where

20 answering the question isn't a simple

21 yes or no.

22                   Q. How about just electrical

23 event --

24                   MR. SCHWARZ: I don't

25                   mean to interrupt you, but

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1 A. LITZINGER

2 I need to. I think what  
3 you are trying to ask is  
4 if there was an electrical  
5 event within the battery  
6 pack, would you expect  
7 something?

8 Because I think what is  
9 tripping him up is there  
10 could be an electrical  
11 event any place in the  
12 computer or in the charger  
13 itself. I think what you  
14 are asking is if there was  
15 an electrical event like  
16 an overvoltage in the  
17 battery pack, would you  
18 expect damage to the cord.

19 I think that's what you  
20 are asking. I think  
21 that's what is tripping  
22 him up.

23 MR. LEVITES: Yeah, it  
24 is not quite that, but  
25 that's close.

1                   A. LITZINGER

2                 Q.     What I am getting at,  
3     Mr. Litzinger, is your opinion in this  
4     case, and you testified is that the HP  
5     Pavilion including the battery failed;  
6     right?

7                 A.     Correct.

8                 Q.     And you couldn't identify  
9     the specific mechanism of failure, but  
10    it is your opinion that it was the  
11    notebook including the battery  
12    exclusive of the charger that failed;  
13    right?

14          A.     Correct.

15          Q.     With that understanding, I  
16    am asking, we don't know exactly what  
17    failed within the notebook based upon  
18    your opinion here, but with your  
19    opinion that it was the notebook that  
20    failed, my question is, with such a  
21    failure, which is electrical in nature  
22    as we understand it, would you expect  
23    this charger to be more damaged?  
24    Should it be burned, blown up, you  
25    know, anything like that, or is this

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1                   A. LITZINGER  
2 consistent with the kind of failure  
3 that you observed in this case?

4                   A. So a failure of the laptop  
5 and/or its battery, to include its  
6 battery, I would not expect to see  
7 damage to the charger itself.

8                   Q. And why is that?

9                   A. This charger is just  
10 outputting what it is designed to  
11 output, or what it is intended to. I  
12 don't recall off the top of my head  
13 what the output voltage of this is,  
14 but this charger doesn't know what is  
15 going on at the laptop any more than  
16 the laptop knows what is going on at  
17 the charger other than what is coming  
18 in from that charger.

19                   So this charger in and of  
20 itself I wouldn't expect to see --  
21 unless it was -- this was on the  
22 floor, so it was on the floor further  
23 away so the level of damage is  
24 consistent from where it was located  
25 in the room, which didn't show a lot

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1                   A. LITZINGER  
2       of heat damage. I believe we did  
3       X-ray it, and it didn't show any signs  
4       of internal failure, and that's how we  
5       were able to eliminate it.

6                   Q. Okay. That makes sense to  
7       me. I am just thinking of what you  
8       are saying is that the charger is just  
9       pushing voltage out to the computer  
10      and battery, and that when the  
11      computer and battery fail it is going  
12      to have no -- the charger itself is  
13      not going to melt, burn, explode, or  
14      anything like that, you wouldn't  
15      expect that to happen?

16                  A. That is correct.

17                  Q. Okay. In that RYOBI case  
18       you talked about, was the charger  
19       okay, was it intact afterwards?

20                  A. No, it was not.

21                  Q. Was it damaged by the fire,  
22       or was it damaged by the electrical  
23       event within the drill?

24                  A. Without getting into too  
25       many aspects of it, the battery was on

1                           A. LITZINGER

2     charge at the time. A RYOBI battery  
3     sits on top of the charger itself, or  
4     this particular model did. Due to  
5     level fire damage it was not able to  
6     be determined was it the charger that  
7     failed, or was it an issue of the  
8     battery. Both were connected. Both  
9     were on at the time. Unfortunately  
10    one of the issues in that case was  
11    that at the time it got to deposition  
12    the insured was deceased.

13                       Q. I see. So you are talking  
14    about, like, a weed whacker battery.  
15    It slots directly into the charger.  
16    Both were consumed by fire so you  
17    can't tell which was the victim and  
18    which was the cause?

19                       A. That's correct.

20                       Q. And because this charger is  
21    not mated directly to the battery we  
22    don't have that factual situation;  
23    right?

24                       A. That's correct.

25                       Q. Okay. I am going to turn to

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1 A. LITZINGER

2 page 12 of the report, which shows

3 figure 15. Do you see that,

4 Mr. Litzinger?

5 A. I do.

6 Q. So page 12 you state, "the  
7 laptop remains depict damage to the  
8 laptop's battery compartment that is  
9 inconsistent with fire exposure and  
10 fire attack"; do you see that?

11 A. Correct.

12 Q. My question is, this  
13 photograph in the top left that shows  
14 the whole notebook assembly, doesn't  
15 that depict melting and deforming of  
16 the plastic casing of the computer?

17 A. Which part of the computer?

18 I'm sorry.

19 Q. The keyboard and the facing.

20 A. There is thermal damage,  
21 yes.

22 Q. And there is dripping on the  
23 screen?

24 A. Yes, there is.

25 Q. Is that damage consistent

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1                   A. LITZINGER

2       with a fire exposure?

3                   A.     That would be consistent,

4       yes, with thermal attack.

5                   Q.     Can the presence of a hot

6       gas thermal layer damage the laptop?

7                   A.     It could, but that would  
8       be -- we will get a little more into  
9       Jason Karasinski's side. I will defer  
10      to him on that one.

11                  Q.     Okay. But if it could  
12       damage the laptop it could damage the  
13       battery; right?

14                  A.     It would be a much broader  
15       area rather than just the small area  
16       that in this photo showing that's the  
17       battery compartment that was the most  
18       affected.

19                  Q.     But the battery compartment  
20       was filled with fuel; right?

21                  A.     I guess I would defer to  
22       Jason Karasinski on the fuel aspect of  
23       that.

24                  Q.     But a battery pack is fuel  
25       for a fire?

1                   A. LITZINGER

2                 A. It has electrical potential,  
3                 that is correct.

4                 Q. Okay. So we looked at the  
5                 items from the hallway. My question  
6                 is, for the other items that were  
7                 recovered from the armoire, including  
8                 the items depicted here in figure 15,  
9                 isn't it true that the damage to each  
10                of the items was consistent with some  
11                kind of fire exposure?

12               A. I am sorry, can you say that  
13               again?

14               Q. Sure. My question is, isn't  
15               it true that the items recovered from  
16               the armoire, including the laptop and  
17               battery debris that we just talked  
18               about, isn't it true that the damage  
19               patterns that you saw were also  
20               consistent with some kind of fire  
21               exposure?

22               A. The laptop shows fire  
23               exposure, that's correct. I would say  
24               electrically it is not consistent, or  
25               from the electrical components that

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1                   A. LITZINGER

2   are there it is not consistent with  
3   fire exposure.

4                 Q.   And why is that?

5                 A.   So looking at figure 15,  
6   while the laptop does show thermal  
7   damage, the area of the battery  
8   compartment shows the heaviest damage.  
9   That would be what I would  
10   characterize as localized damage, more  
11   importantly, localized damage of an  
12   area that has what I will say  
13   electrical potential as those  
14   batteries are -- even when they are  
15   being uncharged they have some sort of  
16   electrical energy that's there.

17                We don't know what the state  
18   of charge of those batteries at the  
19   time of the event, but we do know  
20   through testimony of being plugged in  
21   they would have been at more than zero  
22   state of charge. So they would have  
23   had a high -- a much more electrical  
24   potential for something to occur.

25               Q.   So the lithium battery pack

Page 167

1                   A. LITZINGER  
2       has stored energy that gives it  
3       electrical potential?

4                   A.     Correct.

5                   Q.     So whether it is the victim  
6       of the fire or the cause of the fire  
7       it is going to show a lot of localized  
8       damage; right?

9                   A.     That's dependent on each  
10      case. It is not -- this case isn't  
11      going to look like the next case, if  
12      you will.

13                  Q.     Okay. I guess my question  
14      is, whether it is the victim or a  
15      cause, when a battery pack goes into  
16      thermal runaway we typically see this  
17      kind of localized damage; right?

18                  A.     I would defer to Dr. Martin  
19      in that regard of what a battery that  
20      goes into thermal runaway looks like.

21                  Q.     Okay. So you can't tell  
22      from looking at this if it is victim  
23      or cause. You are pointing to the  
24      highly localized damage; right?

25                  A.     That's correct.

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1 A. LITZINGER

2 Q. Would you expect it to look  
3 any different if it were a victim  
4 versus cause in these photos?

5 A. The laptop?

6 Q. Yes.

7 A. Once again -- or the subject  
8 laptop, once again I would say the  
9 localized damage is something that  
10 would be a data point that we would  
11 look at and consider when evaluating  
12 the fire scene and all potential  
13 electrical ignition sources, but to  
14 say what I would expect, I don't have  
15 an expectation when looking at the  
16 evidence until I have considered all  
17 aspects.

18 Q. Understood. So it is your  
19 opinion that the battery pack was the  
20 cause?

21 A. That's not what I am saying.

22 Q. I apologize. Please go  
23 ahead.

24 A. No, I wasn't saying that  
25 that was the case. I was just saying

1                   A. LITZINGER  
2    that every fire is different, so what  
3    I would expect to see is not -- I  
4    don't have an expectation of what I  
5    should see. I just look at the  
6    evidence, the data points that the  
7    evidence gives me to get down to a  
8    potential area.

9                  Q.    I appreciate that. I am  
10   trying to kind of drill down on this  
11   distinction. You testified that it  
12   was the HP -- it was Ms. Marcellin's  
13   notebook, including the battery, that  
14   failed, but we can't say one way or  
15   another what was the mechanism of  
16   failure within that notebook; right?

17          A.    That's correct.

18          Q.    Okay. So with that  
19   understanding, the statement that the  
20   damage to the battery compartment is  
21   inconsistent with a fire exposure  
22   appears to be at odds with my previous  
23   statement; does that make any sense?

24          A.    What I am saying is I can't  
25   eliminate the laptop and its battery

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1                           A. LITZINGER  
2       as to a root cause one way or the  
3       other or how it started, I would defer  
4       to Dr. Martin in that regard, but as  
5       far as potential electric ignition  
6       sources, this is the only one that I  
7       can't eliminate, and that's based off  
8       my physical observations of the  
9       electrical system as well as the  
10      laptop, so all potential ignition  
11      sources within the room.

12                          Q.     All right. I understand. I  
13       am just looking at these yellow boxes  
14       on the battery, and that is suggestive  
15       that the battery as opposed to some  
16       other aspect failed to me. Am I  
17       drawing the wrong conclusion from  
18       this?

19                          MR. SCHWARZ: Just so  
20       that we are clear, you are  
21       talking about the yellow  
22       boxes that are in the  
23       left-hand side of figure  
24       15 of this report?

25                          MR. LEVITES:

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1                   A. LITZINGER

2                   Absolutely.

3                   MR. SCHWARZ: Okay.

4                   Thank you.

5                   A. What I am trying to show in  
6                   that photograph is that the cell in  
7                   the bottom left-hand corner that's  
8                   there, that's where that was excavated  
9                   from. You can actually see it in that  
10                  photograph with it in place and you  
11                  can see it out of place.

12                  I am merely drawing a  
13                  distinction that there is damage on  
14                  both sides. I am not saying one way  
15                  or the other that it was the battery  
16                  or the laptop. That's just showing  
17                  where that item came from in helping  
18                  to draw attention to the damage.

19                  Q. Okay. Thank you. That's  
20                  helpful.

21                  I am going to move to page  
22                  14 now. Page 14 is the discussion  
23                  of -- the first half of page 14  
24                  discusses evidence of item number  
25                  nine, which was circuit breaker number

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1 A. LITZINGER

2 three; do you see that?

3 A. I do.

4 Q. It states that you  
5 documented and collected the number  
6 three breaker; right?

7 A. That is correct.

8 Q. And you traced it to the  
9 receptacle that's depicted in figure  
10 19?

11 A. Correct. We actually traced  
12 it from the receptacle to the circuit  
13 breaker.

14 Q. Okay. But you didn't look  
15 at the number four breaker that was  
16 tripped at the time of the fire;  
17 right?

18 A. That is correct.

19 Q. And you didn't trace that  
20 one either?

21 A. That is correct.

22 Q. Looking at photograph 19, or  
23 figure 19, pardon me, kind of the same  
24 exercise that we went through with the  
25 plug blades. What in this photograph

1 A. LITZINGER

2 suggests to you that the notebook was  
3 plugged into this receptacle?

4 A. Do you want to bring that up  
5 again, please?

6 Q. Sure. I have the image  
7 there, I will blow it up. Is that  
8 enough there?

9 A. Yes.

10 Q. Okay. What are we looking  
11 for here?

12 A. So once again the photo is  
13 pixilated, but it would appear that  
14 the -- that where this was most likely  
15 plugged in is the top receptacle, or  
16 the one on the left in this  
17 photograph.

18 Q. This one here that I've  
19 drawn the square around?

20 A. Correct.

21 Q. Please go on. Sorry.

22 A. No problem. So that  
23 receptacle does show what looks like  
24 almost what I will say almost no soot  
25 conglomeration. When you look at the

1                   A. LITZINGER  
2 receptacle below it, you can see that  
3 there is, especially in that middle  
4 section that there is a -- looks like  
5 there is a -- yes, right there, that  
6 there is some sooting that has started  
7 in there.

8                   Q. So this to you suggests that  
9 the notebook charger was plugged into  
10 this larger square on the left, and  
11 that this receptacle on the right  
12 was -- had nothing plugged into it,  
13 and that's why it was sooted?

14                  A. Yes. You are starting to  
15 see a little bit. Now, this was lower  
16 on the ground so you wouldn't expect a  
17 high level of that based on its  
18 location, but yes, this one shows that  
19 there is a little bit more -- it is  
20 starting to get sooted up a little bit  
21 more than what you would see on the  
22 large square.

23                  Q. Okay. But there is some  
24 sooting over here it looks like;  
25 right?

1                   A. LITZINGER

2                 A. It is hard to say to that  
3 level. I don't -- I couldn't really  
4 say. To me it doesn't look like there  
5 is much, if any, sooting there, but  
6 the other receptacle appears to have  
7 more soot deposits.

8                 Q. Okay. Now, I am going to  
9 turn to page 15.

10               A. Okay.

11               Q. I expect that we can  
12 probably go through this pretty  
13 quickly because you have explained the  
14 signs and your analysis with respect  
15 to the LED lamps, but I have kind of  
16 the same questions here. How were you  
17 able to forensically eliminate this  
18 bulb remains notwithstanding the  
19 obviously thermal damage?

20               A. So based on the lights were  
21 reported to be off, to our knowledge,  
22 reported to be off at the time of the  
23 fire event, and if they were -- I  
24 don't recall if Ms. Marcellin turned  
25 them on or not at the time of the fire

1                           A. LITZINGER  
2 discovery, I don't recall that, but  
3 the -- for this one it still actually  
4 had -- was in relatively I will say  
5 intact shape. It is heavily fire  
6 damaged, but if you look at that  
7 photograph, I would have to blow it  
8 up, but I believe that you can see  
9 just the sort of the outline of that  
10 vent location, but I want to make sure  
11 I am being accurate. No, that just  
12 might be a soot mark. Actually, this  
13 photo, you see those little squares on  
14 the face there?

15                         Q. These little squares that  
16 are depicted within the rectangle?

17                         A. Yes, that would be the chip  
18 on board. That's what we would be  
19 looking for.

20                         Q. And the vents for the gas is  
21 not depicted in this photo?

22                         A. I don't see the vent hole on  
23 there, no.

24                         Q. Okay. But if you had -- if  
25 it had failed you would expect that

1 A. LITZINGER

2 hole to been blown out; right?

3 A. You would see that hole. It  
4 would have been readily available,  
5 that is correct.

6 Q. We see in the next figure,  
7 figure 21, we have battery remains  
8 from the C/D corner of the room; do  
9 you see that?

10 A. Yes.

11 Q. We talked about this with  
12 the other cells so I expect your  
13 answer is the same, but do you have an  
14 opinion as to whether this cell  
15 started the fire?

16 A. I do not. I would have to  
17 defer to Dr. Martin.

18 Q. Does the carpet around the  
19 cell look particularly burned to you?

20 A. There are some areas of  
21 char, I believe, on the photograph in  
22 the top left of figure 21 coming  
23 right -- if you look at the top of the  
24 cell, which would be the top of the  
25 photo, you see some what looks like

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1 A. LITZINGER

2 charring of the carpeting.

3 Q. So I believe that's -- you  
4 are talking about the charring that's  
5 depicted in the red square here?

6 A. That's correct.

7 Q. Okay. So is that charring  
8 consistent with, like, ignition?

9 A. It would be the cell  
10 venting.

11 Q. Okay. But does it look like  
12 the fire started right there to you?

13 A. I would defer to Jason  
14 Karasinski as far as where the fire  
15 started.

16 Q. But you don't have an  
17 opinion one way or another whether  
18 this is where the fire started?

19 A. That's correct.

20 Q. Okay. So you don't know if  
21 the cell in that 21 ignited the first  
22 fuels?

23 A. I don't have an opinion on  
24 that, no.

25 Q. And you don't have an

1                   A. LITZINGER

2       opinion on what the first fuels were?

3       A.       That would be correct.

4       Q.       Okay. So you wouldn't be  
5       opining as to any flammability  
6       ratings, or limitations of the  
7       ignition source, or anything of that  
8       nature?

9       A.       That is correct.

10      Q.       Okay. But generally  
11     speaking, the fuel for a fire has to  
12     be capable of being ignited by your  
13     hypothesized ignition source; right?

14      A.       You would have to have the  
15     competent ignition source.

16      Q.       Page 16 of your report you  
17     refer to -- in the third full  
18     paragraph there you refer to NFPA 921  
19     and all other authoritative treatise  
20     known to the writer.

21                   We talked about NFPA 921.

22     We talked about Kirk's. Are there any  
23     other authoritative treatises upon  
24     which you relied upon your conclusions  
25     in this case?

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1                   A. LITZINGER

2                   A.       No.

3                   Q.       Okay. Then you also state  
4       in that same paragraph that your  
5       analysis is in light of all  
6       information provided to date; do you  
7       see that?

8                   A.       That's correct.

9                   Q.       And so all of the  
10      information provided to date as of the  
11      date of your report, that's the  
12      information we talked about before  
13      that's listed on pages two to three  
14      and 19 of your report?

15                  A.       Nineteen of my references,  
16      correct.

17                  Q.       Right. 19 was the  
18      references, and two to three was the  
19      materials reviewed and the services  
20      conducted?

21                  A.       That's correct.

22                  Q.       So all of the information  
23      provided to date, is that assumed  
24      within those references on pages two  
25      to three and 19, or is there other

1 A. LITZINGER

2 information?

3 A. That's correct.

4 Q. That's all?

5 A. That's all of it, yes, sir.

6 Q. Okay. And then you

7 reference at that page 19443 ignition  
8 sequences.

9 A. That's correct.

10 Q. It says, "this section  
11 concerns times when there is no  
12 physical evidence of an ignition  
13 source." Did I read that right?

14 A. There is more to that  
15 sentence, but yes.

16 Q. You are referring to "there  
17 are times when there is no physical  
18 evidence of the ignition source found  
19 at the origin, but wherein an ignition  
20 source can be logically inferred by  
21 using other data," is that what you  
22 mean?

23 A. Yes, just to finish the  
24 sentence off. There is much more to  
25 144.4.3, but that's just the first

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1 A. LITZINGER

2 sentence, yes.

3 Q. Of course. I am not trying  
4 to excerpt any relevant context from  
5 my question. I am just looking at  
6 this first sentence because it appears  
7 to impose a condition that this  
8 section be referred to at times when  
9 there is no physical evidence of the  
10 ignition source; is that accurate?

11 A. I am sorry, can you restate  
12 that?

13 Q. So I am saying we looked to  
14 19443 at times when there is no  
15 physical evidence to the ignition  
16 source, but the sequence can be  
17 logically inferred with other data;  
18 correct?

19 A. Correct.

20 Q. So am I correctly reading  
21 your reference here in your report as  
22 conveying that you found no evidence,  
23 physical evidence of ignition source,  
24 but you have logically inferred it  
25 using other data; is that accurate?

1 A. LITZINGER

2 A. That's correct.

3 Q. Okay. So in your expert  
4 opinion there was no physical evidence  
5 of the ignition source, but you can  
6 infer it logically based on the other  
7 evidence you reviewed?

8 A. That would be correct.

9 Q. So the section continues.  
10 You will see, I think it is the last  
11 sentence of that section. It says,  
12 "inferences may be arrived at by the  
13 testing of alternative hypotheses  
14 involving potential ignition sequences  
15 provided that the conclusion regarding  
16 the remaining ignition sequence is  
17 consistent with all known facts." Did  
18 I read that right?

19 A. That's correct.

20 Q. How did you do that in this  
21 case?

22 A. So I evaluated -- so if you  
23 go down to just below that in the  
24 sentence section, that would be my  
25 potential ignition sources considered,

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1 A. LITZINGER

2 and I have those listed out there if  
3 you want to go through that.

4 Q. Yes. So you list the  
5 potential ignition sources in that  
6 next section, which comprises the  
7 Pavilion laptop, the building  
8 electrical system, and lightening. My  
9 question is, did you consider any  
10 other potential ignition sources?

11 A. I only considered the  
12 electrical ignition sources as that  
13 was the scope of my investigation. At  
14 the time there was no other potential  
15 ignition sources I identified.

16 Q. Page 18 of the report you  
17 stated under fire investigation  
18 disposition you stated this case is  
19 open. What does that mean?

20 A. This case is still ongoing.  
21 So it would be -- we would consider  
22 this case open, and that goes to if  
23 there is any potential new data that  
24 comes forward then it is open, but  
25 until the case is -- whatever

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1                   A. LITZINGER  
2 determination is made by the  
3 attorneys, we will -- it will remain  
4 open on our end until we get told to  
5 close our file.

6                   Q. Okay. Then under evidence  
7 you state 15 items were secured by  
8 FRT. My question is, are all of them  
9 discussed in your report?

10          A. No.

11          Q. Do you know which ones are  
12 not discussed in your report?

13          A. I don't recall which  
14 evidence items they are. I only  
15 discussed the electrical items as part  
16 of the investigation.

17          Q. Okay. Are there any other  
18 evidence items other than the ones in  
19 your report, and the non-electrical  
20 ones vouchered by FRT that you are  
21 aware?

22          A. I would have to review the  
23 evidence log.

24          Q. But as far as you know, it  
25 is these 15?

1                   A. LITZINGER

2                 A. That's correct. These 15  
3 items is what was agreed to by all  
4 parties present. The building, or the  
5 insurance representative for  
6 Mr. Hollowell, ourselves, as well as  
7 HP's representative that was at the  
8 fire scene as well.

9                 Q. Then on the next page there  
10 is a technical reviewer listed and a  
11 manager reviewer. Who are those  
12 people?

13                A. Kaitlyn Marcellus is the  
14 engineering manager. She reviews --  
15 she does the technical reviews for all  
16 employees following the engineering  
17 discipline. Klana (phonetic)  
18 Karasinski is our end manager, and she  
19 does the final review before going out  
20 to the client.

21               Q. What was the nature of  
22 Ms. Marcellus' review in this case?

23               A. It would be to look at the  
24 technical aspects to make sure that  
25 they are being explained clearly and

1                   A. LITZINGER  
2 concisely as well as to ask any  
3 questions in regards to, I will call  
4 it clarity in the technical sense.

5                 Q. Okay. Do you recall if she  
6 had any comments, edits, or anything  
7 like that clarity wise or any other  
8 way?

9                 A. Any good technical reviewer  
10 has questions, but I don't recall what  
11 specific questions. I know she had  
12 questions, that's where I would expand  
13 a little bit more on what I am trying  
14 to explain or the point I am trying to  
15 get across in my report, but I don't  
16 remember specifics.

17                Q. All right. I am going to --  
18 I am looking at your references here.  
19 I see the references that are listed,  
20 but the only one of these five that's  
21 actually cited in the body of your  
22 report is NFPA 921. My question is,  
23 can you tell me where in your report  
24 you looked to these other references  
25 listed on page 19?

1                           A. LITZINGER  
2                           A. Yes, absolutely. So the  
3                           first reference there is development  
4                           analysis electrical receptacle fires.  
5                           One of the big things that I do in  
6                           most fires is I am looking at the  
7                           receptacles. So using that one I am  
8                           looking for evidence of a high  
9                           resistance connection, or often  
10                          referred to as an HRC, looking for  
11                          that. Looking for any of those  
12                          instances which is part of the  
13                          building evaluation as well as looking  
14                          at the electrical connections because  
15                          there are certain instances that will  
16                          increase the likelihood of such as an  
17                          HRC, and there are things that would  
18                          help that are more likely to mitigate  
19                          that circumstances. That's where I  
20                          would use that one.

21                          The arc mapping and  
22                          explanation and example is another one  
23                          that I use on a regular basis for arc  
24                          mapping -- well, I apologize. So in  
25                          2009 arc mapping was the term to

1                           A. LITZINGER  
2 describe that. Now it has been broken  
3 out to arc survey, which is the  
4 process of finding arcs, and the arc  
5 map is the end result where we would  
6 add that to a diagram.

7                           So that was just a little --  
8 as far as the terminology, but the  
9 actual substance of it is still  
10 relevant today. I use that in my  
11 everyday course of my job on most fire  
12 scenes, which I did do in this  
13 instance, but there were no arc sites  
14 located so that's why our arc map does  
15 not show it.

16                           NFPA 921, we went over that.

17                           Forensic investigation  
18 techniques for electrical conductors  
19 involved in fire, that one as well --  
20 that kind of ties into the ATF  
21 bulletin. One is used to further  
22 expand on distinguishes between arc  
23 mapping and melting, but the technical  
24 bulletin also references, further  
25 references distinguishes between arc

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1 A. LITZINGER

2 melting versus fire melting.

3 Those are ones that I used  
4 in the course of my regular duties  
5 when inspecting electrical systems  
6 that are in a fire scene.

7 Q. Okay. So looking at these  
8 it is like the -- it appears to me  
9 that the numbers two, four, and five,  
10 meaning, Mr. Karasinski's article on  
11 arc mapping, the Roby article on  
12 forensic investigation techniques, and  
13 the ATF bulletin all concern arc  
14 survey and/or mapping which was not  
15 something -- which you didn't produce  
16 an arc map because no arcs were found  
17 during your survey; is that fair?

18 A. That's correct.

19 Q. Thank you for bearing with  
20 me. I was trying to construct that,  
21 but that's helpful.

22 These one, two, four, and  
23 five, you are relying on them, but  
24 because you didn't produce an actual  
25 arc survey in this, that's why they

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1                         A. LITZINGER

2      are not cited; is that fair to say?

3                         A.       The arc survey did not show  
4      anything, so the arc map -- we  
5      couldn't produce an arc map.

6                         MR. LEVITES: Maybe now  
7                         is a good time to take  
8                         another break. Let's come  
9                         back at 2:05.

10                        (Whereupon, a short  
11                        break was taken at this  
12                        time.)

13                        Q.       So before our break we were  
14      talking about arc surveying and arc  
15      mapping, and you explained that you  
16      had done an arc survey, and given that  
17      there was no evidence of arcing that  
18      you saw, no arc map was repaired; is  
19      that an accurate summary of our  
20      conversation?

21                        A.       That's correct.

22                        Q.       Okay. So my question is,  
23      did you do an arc survey of the sewing  
24      room/office, the whole house, or  
25      something in between?

1 A. LITZINGER

2 A. The sewing room/office.

3 Q. Was there a reason you  
4 restricted yourself to that room  
5 rather than the rest of the residence?

6 A. All parties present agreed  
7 that that was the room of origin, and  
8 all other damage was fire progression.

9 Q. So based on what you saw  
10 that day you concluded there was no  
11 reason to do a survey of the living  
12 room or any of the other rooms of the  
13 house?

14 A. That's correct.

15 Q. Would you agree you  
16 shouldn't eliminate a potential  
17 ignition source just because there is  
18 no obvious evidence for it?

19 A. Can you say that again?

20 Q. Would you agree that during  
21 a fire investigation you shouldn't  
22 eliminate a potential ignition source  
23 just because there is no obvious  
24 evidence for it; right?

25 A. When you say that, do you

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1                   A. LITZINGER

2   mean -- I guess that is pretty broad.

3   Could you elaborate on that more,

4   please?

5                 Q.    I am a total laymen, so I am  
6   just looking to the NFPA, and that's  
7   just one of the things it says, it is  
8   194.

9                 A.    Yeah, to answer your  
10 question, it would be based on the  
11 area of origin as defined not just by  
12 Jason Karasinski, but the other  
13 experts; HP's expert, and the building  
14 insurer's expert, we -- everyone  
15 agrees that was the area of origin,  
16 and that the fire progressed from that  
17 room to the rest of the house.

18                 If there was no clearly  
19 defined area of origin we would have  
20 done a more extensive arc survey, and  
21 by default would have created a more  
22 extensive arc map, but based on the  
23 agreement by all parties that being  
24 the room of origin, we limited it to  
25 that room of origin.

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1                   A. LITZINGER

2                   Now, if there was an  
3                   electrical ignition source in that  
4                   room that we -- we looked at all  
5                   potential ignition sources in this  
6                   specific case within the defined room  
7                   of origin, and we did collect those  
8                   for evaluation. Everyone agreed on  
9                   what was collected. Had somebody  
10                  wanted something else, or something  
11                  different we would have collected that  
12                  for future evaluation, but at the end  
13                  of the day no one -- everyone agreed  
14                  that what we collected was all  
15                  relevant evidence.

16                  Q.        Okay. So I understand how  
17                  you drilled down from the more general  
18                  to the more specific in respect to  
19                  your investigation in this case, but  
20                  generally speaking in your work, would  
21                  you agree that you start -- that at  
22                  the outset you don't eliminate a  
23                  source just because there is no  
24                  obvious evidence for it?

25                  A.        I don't know if I -- I don't

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1 A. LITZINGER

2 know if I am completely understanding  
3 what you are saying in that regard.

4 I did evaluate -- as I  
5 walked from the area of least damage  
6 to the area of most damage I was  
7 evaluating all potential electrical  
8 ignition courses within those areas,  
9 but as I was going through, that was  
10 the process by which I went by, but I  
11 don't -- I guess, I am trying to  
12 answer your question, but I think  
13 that's what you are asking. I would  
14 need a little bit more specifics, I  
15 guess, to be able to answer it more  
16 robustly.

17 Q. I appreciate that. I am  
18 really asking just in the most general  
19 sense in terms of your investigative  
20 process as it were separate and  
21 outside of this case. I think your  
22 answer was responsive to that.

23 This is another general  
24 question about how you approach your  
25 investigations. Devices that are heat

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1                   A. LITZINGER  
2 producing or capable of producing heat  
3 when they sustain a failure, those  
4 devices should be on your list of  
5 hypotheses; right?

6                   A. If they are capable -- if  
7 they produce heat, or capable of  
8 producing heat?

9                   Q. In a failure.

10                  A. In a failure, electrically,  
11 yes.

12                  Q. Do you know what a heat and  
13 flame vector technique is?

14                  A. That would be something that  
15 Jason Karasinski would be more  
16 familiar with than I am.

17                  Q. Okay. Do you know what a  
18 heat and flame vector technique is?  
19 Because I don't.

20                  A. I have -- it has been  
21 discussed in the past, but I couldn't  
22 be super specific on it.

23                  Q. Okay. But you didn't do one  
24 in this case; right?

25                  A. I did not.

1 A. LITZINGER

2 Q. What do you think the  
3 inhabitants of the house were doing  
4 when the fire started?

5 A. My understanding is they  
6 were sleeping.

7 Q. What do you base that  
8 understanding on?

9 A. The testimony Ms. Marcellin,  
10 I believe it was the -- I don't recall  
11 the exact time, but I believe it was  
12 sometime in the early morning or  
13 middle of the nighttime frame. And I  
14 believe Mr. Hollowell was found in the  
15 bedroom.

16 Q. Okay. Are you aware that in  
17 the local investigation records the  
18 toaster oven was on at the time they  
19 responded to the fire?

20 A. I may have observed that,  
21 but I don't recall that specifically,  
22 no.

23 Q. And if Mr. Beeten (phonetic)  
24 said it was glowing, and that he  
25 unplugged it on arrival, does that

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1 A. LITZINGER

2 refresh your recollection at all?

3 A. No, it does not. I'm sorry.

4 Q. Why would the toaster oven  
5 be on if the inhabitants of the house  
6 were asleep?

7 A. I don't have an answer for  
8 you.

9 Q. Is this evidence that  
10 someone might have been awake in the  
11 house and was using a toaster oven,  
12 would you consider that as a potential  
13 ignition source?

14 A. It would be considered. Any  
15 electrical item within a building or a  
16 house has the potential to have a  
17 failure to cause a fire, but just  
18 because something has potential  
19 doesn't mean that it did.

20 Q. Did you consider the toaster  
21 oven?

22 A. In this particular instance,  
23 I would say no, I did not.

24 Q. Are you aware of toaster  
25 ovens starting fires ever?

1                   A. LITZINGER

2                 A. It is possible. It is a  
3 heat-producing device, as you said,  
4 but the kitchen was one of the first  
5 areas that I encountered upon entering  
6 the house from the B side, so that  
7 would have been in the relatively  
8 least damaged portion of the house as  
9 you progressed inward towards the area  
10 of most damaged.

11          Q. Did you look at the electric  
12 couch as an ignition source?

13          A. The electric couch, I did  
14 not based on the damage that was  
15 present to it.

16          Q. So it was pretty damaged;  
17 right?

18          A. When talking about damage to  
19 a couch, I am going to say no. When  
20 you look at couches that are involved,  
21 I have investigated fires that have  
22 involved furniture fires, we will call  
23 it for lack of a better word, that  
24 couch was relatively intact compared  
25 to ones that had been directly

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1                   A. LITZINGER

2 involved in fires.

3 Q. Okay. That's helpful.

4 Maybe I can see if I can pull up one

5 for you so that we can take a look.

6 Just bear with me. I think there are

7 some photos of the couch. I will put

8 these up. Do you see that,

9 Mr. Litzinger, those two photos of the

10 couch?

11 A. Yes, I do.

12 Q. You said that it was

13 relatively intact. To me it looks

14 pretty burned, but you are saying it

15 should be more burned; is that right?

16 A. Yes. And I am coming from

17 the point of view of electrically

18 operated whether they have -- as we

19 have discussed, furniture power

20 distribution units, or FPU for short,

21 so those or any type of a motor

22 involved. All of those electronics or

23 electrical items are typically located

24 in the lower portion of the couch, so

25 the seating area down.

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1                   A. LITZINGER

2                 Q.     Okay. So is it your  
3     testimony today that because the  
4     seating area was not burned that  
5     that's why the couch is as relatively  
6     less damage as you testified earlier?

7                 A.     No, I am talking in regards  
8     to a potential electrical issue the  
9     damage isn't consistent for what I  
10    would be looking for for a couch that  
11    is electrically operated. But talking  
12    about areas considered, the origin and  
13    cause experts, Jason Karasinski, the  
14    representative for the insured, as  
15    well as the representative for HP all  
16    agree the area -- the room of origin  
17    was the sewing/office.

18                Q.     Did you agree?

19                A.     Based on fire patterns you  
20    would have to ask Jason Karasinski. I  
21    was there to look at the electrical  
22    systems.

23                   Once all parties agreed of  
24    the room of origin is when I started  
25    with electrical in that room. I was

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1                   A. LITZINGER  
2     able to limit my scope based off of  
3     their observations and expert opinion.

4               Q. So you don't disagree or  
5     disagree with their determination,  
6     with Mr. Karasinski's determination,  
7     you just relied upon it; is that fair?

8               A. I relied upon not only  
9     Mr. Karasinski, but all other parties  
10    present.

11          Q. Right. So all of the other  
12    parties were looking at the office and  
13    sewing room. You didn't form an  
14    opinion one way or the other, and you  
15    relied on that determination that all  
16    of the parties made?

17          A. That's correct.

18          Q. Okay. In looking at this  
19    couch, if this couch had started the  
20    fire you are saying the whole bottom  
21    should be burned up; did I understand  
22    that right?

23          A. I would expect more damage  
24    to the bottom portion as well, that's  
25    correct.

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1 A. LITZINGER

2 Q. Okay. How about the gas  
3 furnace, did you discuss that in your  
4 report?

5 A. I did not.

6 Q. Is it fair to say you didn't  
7 address that as a potential ignition  
8 source either?

9 A. That's correct.

10 Q. You didn't physically  
11 investigate the furnace; right?

12 A. No, that would have been  
13 Jason Karasinski.

14 Q. Do you know where the  
15 furnace is in the house?

16 A. It is -- yes, it is in the  
17 hallway adjacent to the closet, the  
18 sewing room/office closet.

19 Q. Okay. So it abutted the  
20 area of origin as determined by  
21 Karasinski?

22 A. Correct.

23 Q. Did you know that the local  
24 investigator said that the furnace was  
25 blown out when they came to the site

1 A. LITZINGER

2 of the fire?

3 A. I had heard that. I don't  
4 know when I heard that.

5 Q. Does that have any  
6 significance to your conclusions?

7 A. That was a gas fire furnace,  
8 so I would not have been looking at  
9 it.

10 Q. Okay. Was it possible that  
11 the ignition source was not electric  
12 in this case?

13 A. For anything nonelectric you  
14 would have to talk to Jason  
15 Karasinski.

16 Q. Okay. But with the  
17 understanding that you are engaged to  
18 look at electrical ignition sources,  
19 and that's your expertise, and that's  
20 what your report is, and that's what  
21 the subject of your testimony is, is  
22 it also possible that the fire was  
23 started by a nonelectrical source?

24 A. Based off FRT's review, that  
25 was not the case.

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1                   A. LITZINGER

2                 Q.     Okay. Based upon your  
3     review of Mr. Karasinski's work you  
4     agree with him that it is not possible  
5     that the source of the ignition was  
6     nonelectric?

7                 A.     That's correct.

8                 Q.     Did you know there were  
9     burnt candles in the house?

10                A.     I believe I heard about that  
11     after the fact, but I did not observe  
12     any of that within the agreed upon  
13     room of origin.

14                Q.     Okay. So we talked about  
15     the rebuttal report of Mr. Karasinski,  
16     and I am thinking that it is probably  
17     not the best use of our time to put it  
18     up and ask you questions about it  
19     because you neither assisted in the  
20     drafting or the preparation of the  
21     opinions inside of it; is that fair to  
22     say?

23                A.     That's correct.

24                Q.     Okay. So I won't put it up  
25     here and go through it with you.

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1 A. LITZINGER

2 We talked about the couch.

3 We talked about the furnace.

4 Did you ever see

5 Ms. Marcellin's supplemental  
6 declaration? I know you testified you  
7 were aware of it, and it was prepared  
8 recently, but did you ever read it?

9 A. No, I did not.

10 Q. In a developing fire in a  
11 compartment, or a closed room like the  
12 room of origin that Mr. Karasinski  
13 concluded, how does a hot gas layer  
14 form?

15 A. You would have to talk to  
16 Jason Karasinski about that.

17 Q. What does the NFPA say about  
18 that though; do you know?

19 A. I would have to review that  
20 section.

21 Q. Do you know what the form of  
22 heat transfer is between the gas layer  
23 and a room in a compartment fire?

24 A. Not off the top of my head I  
25 do not.

1 A. LITZINGER

2 Q. But this was a compartment,  
3 right, this room, it had a ceiling?

4 A. That question would be more  
5 appropriate for Jason Karasinski to  
6 talk about.

7 Q. Does the fact that it is a  
8 room with a ceiling have any affect on  
9 your electrical analysis, the fact  
10 that it is a compartment, or is it  
11 irrelevant?

12 A. It does not.

13 Q. When you went to the scene,  
14 is it fair to say in that diagram we  
15 looked at earlier of the vouchered,  
16 the recovered battery cell components  
17 that the majority of the cans and the  
18 electrodes were in the center of the  
19 room or the opposite corner?

20 A. No. So the items on that  
21 diagram only show what was part of  
22 item number one. Item number one was  
23 labeled with letters. I forgot the  
24 number, I think 12 or something items  
25 as part of that. That's what that

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1                   A. LITZINGER

2   diagram shows.

3                   During the excavation we  
4   did -- the other items that were  
5   collected to include I believe that  
6   one can we saw later on in my report,  
7   that was found in the C/D corner.

8   That's not shown on the diagram. The  
9   diagram started getting cluttered with  
10   the initial information, so we did not  
11   include that. It could be included,  
12   but we didn't include that for clarity  
13   of item number one, but no, it didn't  
14   just come from the center of the room.

15   Q.   No, I may have swallowed the  
16   end of my question there, and I  
17   apologize. What I was asking is,  
18   would you agree that the majority of  
19   the cans and electrode materials were  
20   in the center or the opposite side of  
21   the room, meaning that C/D corner  
22   where you got the other cell; would  
23   you agree with that?

24   A.   The majority was, but there  
25   was battery remains that were

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1 A. LITZINGER

2 recovered while we were excavating the  
3 closet space.

4 Q. We looked at some of the  
5 pictures, but from your recollection  
6 from that day, did you see any thermal  
7 damage or ignition of other  
8 combustible materials at the floor  
9 level where you found and recovered  
10 this debris?

11 MR. SCHWARZ: This  
12 debris, meaning, the  
13 battery cell components in  
14 the closet?

15 MR. LEVITES: That were  
16 found in the center,  
17 opposite, and in the  
18 closet, yes.

19 A. Sorry, can you ask that  
20 again?

21 Q. So you just testified that  
22 you recovered cell can and electrode  
23 materials from the center of the room.  
24 You said you also recovered some  
25 materials from the C/D corner of the

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1                   A. LITZINGER

2     room. You also recovered some  
3     materials from the floor of the  
4     closet.

5                   My question is, did you  
6     observe any floor level thermal damage  
7     at any of those places?

8                   A. There was charring to the  
9     floor at various areas, yes. Even the  
10    C/D corner did show some charring, as  
11    we discussed earlier, while limited,  
12    but yes, there were definitely charred  
13    areas around the battery cans and cell  
14    remains.

15                  Q. So there was some thermal  
16     damage in the form of charring, but  
17     you didn't see any evidence of  
18     combustion; is that fair to say?

19                  A. Well, the closet -- I would  
20     say the charring is showing that it is  
21     starting to off gas. Are you talking  
22     about open flame?

23                  Q. Open flame.

24                  A. In terms of -- I couldn't  
25     offer an opinion as to what was all on

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1                           A. LITZINGER  
2 fire, but there is definitely evidence  
3 around the room in various areas  
4 around these cans as well as the  
5 debris itself to include the closet  
6 debris that are either charred or, you  
7 know, you can't say one way or the  
8 other because the fire was out when I  
9 got there. There is definitely more  
10 areas where it appears there was open  
11 flame, and areas where there may not  
12 have been necessarily open flame.

13                         Q. That's what I am trying to  
14 get at. These areas where all of the  
15 cell ejecta was found, when we went  
16 over it, it looked like there was more  
17 evidence of charring than an open  
18 flame-type combustion. I am asking if  
19 you observed anything inconsistent  
20 with that?

21                         A. No, there were varying  
22 degrees of charring/suggestive of open  
23 combustion, yes.

24                         Q. Which of the recovered cell  
25 ejecta showed signs of open flame

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1 A. LITZINGER

2 combustion?

3 A. That one I would defer to  
4 Jason Karasinski to make that opinion.

5 Q. So you don't know which of  
6 them would have been open flame  
7 combustion versus just charring?

8 A. That's correct. I wouldn't  
9 be able to offer an opinion on that.

10 Q. Okay. Would it help if we  
11 went back to the pictures?

12 A. No, I just wouldn't offer an  
13 opinion which ones were involved in  
14 open combustion and which ones were  
15 not.

16 Q. When you went into the room,  
17 the sewing room, the office, did you  
18 notice that -- what observations did  
19 you make of the combustible materials  
20 that were in the armoire around the  
21 subject notebook?

22 A. There were -- I believe that  
23 there were papers underneath it as  
24 well as there was some I would call  
25 them light combustibles in and around,

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1 A. LITZINGER

2 I believe on top there might have been  
3 some papers or light combustibles on  
4 top as well.

5 Q. And those weren't burned up  
6 in the fire; right?

7 A. I would say there were  
8 various degrees of thermal decay.

9 Q. So some were fully burned  
10 up, and some weren't burned at all?

11 A. I will say just various  
12 degrees of thermal decay. Whether  
13 that's burned up or not, I don't  
14 recall exactly where that would be.

15 Q. If you take a look at page  
16 seven of your report, which is figure  
17 six.

18 A. Okay.

19 Q. I appreciate your report has  
20 captions for all of the -- has the  
21 accessibility captions.

22 A. I didn't create that.

23 Q. No, of course. It is a  
24 software, mine does the same.

25 So this is what I am asking

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1 A. LITZINGER

2 about here. Does that help answer the  
3 question at all?

4 A. Yes. This is a little low.

5 I guess I would include on top of the  
6 armoire as well that this picture just  
7 doesn't show that. Yes, there were  
8 definitely papers and things of that  
9 nature in that area before, in and  
10 around as I said earlier.

11 Q. Do you have an opinion as to  
12 why there appears to be limited  
13 combustion of these papers and other  
14 objections in the armoire, and yet the  
15 materials in the closet were ignited?

16 A. I don't have an opinion on  
17 that. You would have to talk to Jason  
18 Karasinski in that regard.

19 Q. So you don't know why all of  
20 these papers weren't incinerated  
21 basically?

22 A. That portion -- that would  
23 have been outside of my scope. That  
24 would be more within Jason  
25 Karasinski's scope.

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1                   A. LITZINGER

2                   Q.        Okay.

3                   MR. LEVITES: I am just  
4                   going to take -- maybe we  
5                   can take a longer break  
6                   because I don't think I  
7                   have too much more. If we  
8                   can go until 2:40, I think  
9                   I should be done within an  
10                  hour of that or less.

11                  Let's come back at 2:40.

12                  MR. SCHWARZ: Okay.

13                  (Whereupon, a short  
14                  break was taken at this  
15                  time.)

16                  Q.        So my first question was,  
17                  you mentioned in one of your cases  
18                  there was no electrical cause for the  
19                  fire because there was an unattended  
20                  candle and a dog. So did I correctly  
21                  infer from that that the cause of the  
22                  fire was the candle being knocked over  
23                  by a pet?

24                  A.        That would be correct. That  
25                  was one of our other O and Cs that I

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1                   A. LITZINGER  
2    was working with. Originally it was  
3    reported or suspected that there was a  
4    ceiling fan that was overhead. That  
5    would be -- that was the -- that and a  
6    potential RPC as well were the two  
7    electrical items, which is why I was  
8    brought in on that investigation.

9                   Those two items were -- as  
10   well as the building electrical system  
11   itself were subsequently eliminated,  
12   and the opposing expert agreed with  
13   that, and then my origin of cause  
14   investigator for that file, that was  
15   his determination.

16                 Q.     What -- I am sorry, you said  
17   RPC?

18                 A.     It stands for relocatable  
19   power cap. Most people would refer to  
20   those as, like, power strips or surge  
21   suppressors, but the actual look at  
22   the back it says relocatable power  
23   cap.

24                 Q.     As a result of all of these  
25   cases you might understand why I don't

1                   A. LITZINGER  
2 have any of those in my house. I was  
3 just helping my brother-in-law move,  
4 and he had an old one covered in dust.  
5 I said, how old is this thing? Is it  
6 more than two years old? He said, oh  
7 yes, it has got to be, whatever, I  
8 said you know they only warranty these  
9 things for a year because they are not  
10 supposed to last ten years.

11                  A. Right.

12                  Q. Okay. So you looked at the  
13 ceiling fan, you looked at the RPC,  
14 and you were able to rule those out in  
15 this case; right?

16                  A. That is correct.

17                  Q. Then the determination with  
18 respect to the candle and the pet was  
19 all beyond your analysis?

20                  A. That was beyond my scope,  
21 yes. That was my origin and cause  
22 investigator, that was part of his  
23 scope.

24                  Q. Okay. And I think you said  
25 you weren't sure if you had seen a

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1 A. LITZINGER

2 picture of the candle in this case?

3 A. I don't recall making that  
4 observation while I was at the fire  
5 scene.

6 Q. I am going to put it up for  
7 you. Do you see the candle there?

8 A. I do.

9 Q. Does that refresh your  
10 recollection as to whether you saw the  
11 candle at the time of the fire?

12 A. I mean, I see it in this  
13 photograph, so yes, that's -- there  
14 was a candle present. It looks like  
15 the couch we are looking at earlier.

16 Q. Yes.

17 A. There was a candle present,  
18 yes, I agree with that.

19 Q. But does that refresh your  
20 recollection as to whether you saw the  
21 candle at the time, or just looking at  
22 this picture you now know there must  
23 have been one?

24 A. Yeah, the latter.

25 Q. Did you know that there was

1 A. LITZINGER

2 a cat in this house?

3 A. I don't recall that  
4 information, no.

5 Q. Does it change any of your  
6 opinions or anything?

7 A. It does not.

8 Q. Okay. And then the one  
9 other thing, I asked you earlier about  
10 your review of Ms. Marcellin's  
11 statements, deposition, and her  
12 affidavit, and if you found them to be  
13 consistent; do you remember that?

14 A. Correct, yes.

15 Q. When we were talking about  
16 it you said the only thing that you  
17 can think of with respect to an  
18 inconsistency was about an old  
19 notebook; do you remember that?

20 A. Yes, I do.

21 Q. What was the inconsistency  
22 about the old notebook?

23 A. Per her, I believe it was  
24 her deposition she said it was in the  
25 closet. There was nothing in the

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1 A. LITZINGER

2 closet. There is no older laptop in  
3 the closet, or in the hallway debris  
4 that was collected for inspection.

5 Q. Okay. So we don't know  
6 where this notebook is, or you  
7 certainly don't know?

8 A. I don't know. It was not  
9 collected as part of the evidence that  
10 we -- from the scene.

11 Q. And you would expect to find  
12 debris of this notebook in the -- when  
13 you were performing your  
14 investigation; right?

15 A. Yes.

16 Q. A house fire wouldn't  
17 disintegrate it?

18 A. I mean, it can barely fire  
19 damage it, but I would expect to find  
20 remains that we could identify as  
21 being for a computer.

22 Q. Okay. So we talked about  
23 the way that you went about your  
24 investigation, the analysis that you  
25 performed, the CT scan that you

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1                   A. LITZINGER  
2   examined, the X-rays. Was there any  
3   other physical testing of your  
4   hypotheses in this case that we  
5   haven't talked about yet?

6                   A. No.

7                   Q. Is there anything else that  
8   you want to tell me about the fire, or  
9   your investigation of the fire and the  
10  electrical system of the house that  
11  you haven't had the chance to tell me  
12  today that you would like to tell me?

13                  A. No.

14                  Q. Is there any question that I  
15  should have asked you, but I didn't  
16  that would help you clarify or expand  
17  on your opinions?

18                  A. No.

19                  Q. And did you understand all  
20  of my questions today?

21                  A. Yes.

22                  Q. Okay. With the exception of  
23  those for which you requested  
24  clarification and it was provided?

25                  A. Yes.

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1 A. LITZINGER

2 MR. LEVITES: I believe  
3 with that my questions are  
4 done. I will turn you  
5 back over to Attorney  
6 Schwarz, and thank you for  
7 your time today.

8 THE WITNESS: Thank you  
9 very much.

10 MR. SCHWARZ: I have no  
11 questions, so thank you,  
12 Andy.

13 (TIME NOTED: 2:50 p.m.)

14

15

ANDREW LITZINGER

16

17

18

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1  
2 A C K N O W L E D G E M E N T  
3 STATE OF NEW YORK )  
4 COUNTY OF \_\_\_\_\_ )  
5

6 I, ANDREW LITZINGER, hereby  
7 certify, I have read the transcript of  
8 my testimony taken under oath in my  
9 deposition of March 20, 2025; that the  
10 transcript is a true, complete and  
11 correct record of what was asked,  
12 answered and said during this  
13 deposition, and that the answers on  
14 the record as given by me are true and  
15 accurate.

16  
17

-----  
ANDREW LITZINGER

18  
19

Signed and subscribed to  
20 before me, this \_\_\_\_\_ day  
of \_\_\_\_\_ 2025.

21

-----  
22 Notary Public

23  
24  
25

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1

2 ERRATA SHEET CORRECTIONS:

3 Pg. Ln. Now Reads Should Read

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

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14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 Signature of Deponent

19 SUBSCRIBED AND SWORN BEFORE ME

20 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

21 \_\_\_\_\_

22 \_\_\_\_\_

23 (Notary Public) MY COMMISSION

24 EXPIRES: \_\_\_\_\_

25 \_\_\_\_\_

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1

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1

2 C E R T I F I C A T E

3

4 I, ILYSA A. LINZER, a Shorthand  
5 Reporter and Notary Public of the  
6 State of New York, do hereby certify:

7

8 That, ANDREW LITZINGER, the  
9 Witness whose examination is  
10 hereinbefore set forth, was duly  
11 sworn, and that such examination is a  
12 true record of the testimony given by  
13 such Witness.

14

15 I further certify that I am not  
16 related to any of the parties to this  
17 action by blood or marriage; and that  
18 I am in no way interested in the  
19 outcome of this matter.

20

21 ILYSA A. LINZER

ILYSA A. LINZER

-----  
MARCH 28, 2025

22

23

24

25



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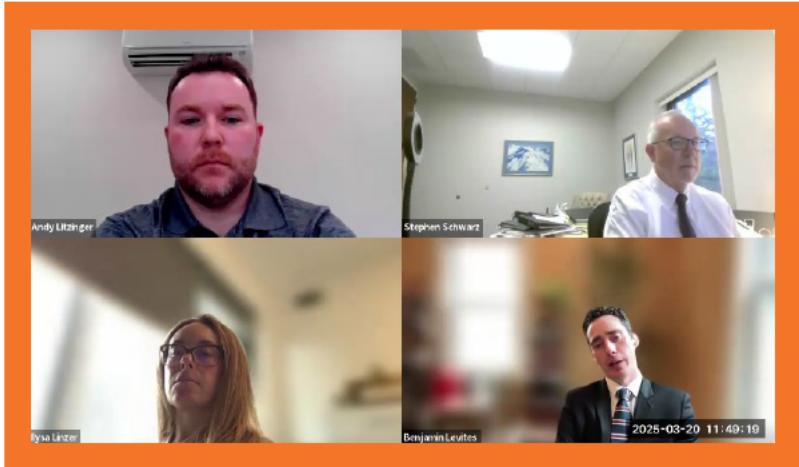
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